Supreme Court, U.S.
FILED
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No. 92-254

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

JAY B. BRIGHT,

Petitioner,

v.

RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY; RUTGERS COUNCIL OF AAUP CHAPTERS; THE FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE; IMMIGRATION AND NATURALIZATION SERVICE U.S. DEPARTMENT OF JUSTICE; and NEW JERSEY DIVISION OF STATE POLICE,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

APPENDIX OF RESPONDENT RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY, TO BRIEF IN OPPOSITION

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September 9, 1992

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APPENDIX A

Sept. 21, 1988

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Docket No. 88-4115 S.S.B.

Date Filed Sept. 21, 1988

JAY B. BRIGHT

Plaintiff

v.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY

Defendant

RUTGERS COUNCIL OF AAUP CHAPTERS

Co-Defendant

THE FEDERAL BUREAU OF INVESTIGATION,
U.S. Dept. of Justice,

Co-Defendant

IMMIGRATION AND NATURALIZATION SERVICE,
U.S. Dept. of Justice,

Co-Defendant

NEW JERSEY DIVISION OF STATE POLICE,

Co-Defendant

CIVIL ACTION JURY DEMAND

1. *Plaintiff*: The plaintiff in this action is Dr. Jay B. Bright (Jyotindra Bhupatrai Bhatt at birth, Americanized to Jay B. Bright), a naturalized United States Citizen, resident of New Jersey and residing at 212 Hillcrest Avenue, Collingswood, New Jersey. Plaintiff, filing pro se, files this suit upon the following defendants.

2. *Defendants*: The defendant in this action is Rutgers, the State University of New Jersey (generally called Rutgers University), a public institution; its principal representative being the officer in charge of the university's Camden campus and others with whom he/she worked directly or indirectly, resulting in injury to plaintiff. The co-defendants in this action are the faculty union at Rutgers (the Rutgers Council of AAUP Chapters) its principal representatives being those officers who handled and were responsible for plaintiff's interests; the Federal Bureau of Investigation (FBI) its representatives being those whose actions injured plaintiff; and the New Jersey Division of State Police its representatives being those whose actions injured plaintiff; and Immigration and Naturalization Service, U.S. Dept. of Justice.

3. *Other parties litigably involved*: The following are among the parties litigably involved in this action and to be possibly included as defendants in subsequent amendments to this complaint: The Equal Employment Opportunity Commission (EEOC); William Bradford Reynolds the Assistant Attorney General for Civil Rights; Edwin Meese, the former Attorney General; Samuel Alito, Jr. the U.S. Attorney for New Jersey; Former Secretary of Education William Bennett; New Jersey State Republican Party.

4. *Jurisdiction*: This court has jurisdiction over this action pursuant to the Fourth, the Fifth and the Fourteenth Amendments to the United States Constitution, title VII of the Civil Rights Act of 1964, as amended, and the following sections of 42 United States Code: 1981, 1983, 1985(2), 1986, 1988, 2000e, 2000e-2(a)(1), 2000e-2(a)(2), 2000e-3(a), 2000e-5(f)(3), 2000e-(6)(a), and 2000e-(6)(b); and further pursuant to 28 United States Code 1343, 2201, 2202; and further pursuant to the pendent jurisdiction of this court.

5. *Summary of Complaint and Factual Background*: Plaintiff was an employee of Rutgers University from July 1, 1984 to June 30, 1988 employed as an Assistant Professor of Finance in the Faculty of Business Studies at the Camden Campus. Plaintiff earned his Ph.D. degree from the School of Business Administration of the University of Houston, Houston, Texas, in 1969, and worked as a professor between 1969 and 1984 rising from an Assistant Professor in 1969 to a Full Professor and Director of a Graduate program in Business Management (Exhibit 1).

6. In July, 1984 Rutgers University employed him at the entry level position, an Assistant Professorship, and offered him a salary of $30,140 per academic year (Exhibit 2) which was about $10,000- below any other Ph.D. in his department (the Faculty of Business Studies) and $8,000- below even non-Ph.D.'s in his department (employer has refused to supply facts needed; exhibits 3 and 4); assigned plaintiff an office with a group of non-Ph.D.'s in the department and away and on a separate floor from the main floor of the department where all the Ph.D.'s in the dept. were housed—and this despite the fact that several non-minority non-Ph.D.'s were housed with the Ph.D.'s (Exh. 5).

7. When plaintiff tried to reason with the university administration, he met with hostility which escalated into harassment and later brutality and a systematic conspiracy and campaign to malign, defame and discredit him and a conspiracy to abridge his civil rights (exhibits 6, 7, and 8). The university administraton ignored plaintiff's pleas for a campus-wide committee of non-partisan professors. The plaintiff took his grievance before the faculty union who (knowingly) presented his matter to the administration (late) and the latter rejected it as untimely filed (Exh. 9). Fearing State-wide implications, the university intensified concerted efforts involving numerous parties on and off campus to malign, defame and discredit plaintiff and, he is led to believe, "Federalized" the matter with defendants' and others' influence to the plaintiff's detriment. The union had filed the grievance late although it had been alerted by plaintiff at an early stage initially verbally and later in writing (Exh. 7). Surely, the union knew the rules and procedures well—it has worked hand in hand with the same university administration for nearly twelve years. Subsequently, the union and the university knowingly put the matter before an unqualified arbitrator—one in the New Jersey State Board of Mediation. Both the university and the union knew that the said Board hears complaints against "private" employers (Exh. 10), and that a New Jersey Board should not hear complaints against a New Jersey institution (Rutgers). The New Jersey State Board of Mediation is equally at fault as this and other information (presented later in this complaint) leads plaintiff to believe. Furthermore, the plaintiff is led to believe that the university and the union—with the New Jersey Mediation Board's complicity—have engaged in such practices in the case of other Rutgers professors. These and a number

of other concerned individuals on and off campus indicated to the plaintiff that they will testify in his behalf. Fraud, collusion and conspiracy between the university and the union to interfere with plaintiff's civil rights went much further: at no time has plaintiff met or seen or heard from the arbitrator, nor despite written request did the union clear with the plaintiff its brief to arbitrator, nor have there been any hearings held by the arbitrator where plaintiff could give testimony or could have professors, staff, students and others testify at the hearings, nor has plaintiff ever been supplied with any rulings issued by the arbitrator, nor has the arbitrator himself sent the plaintiff anything despite repeated written requests, while the parties carried on their deceit, fraud and criminality (Exhs. 11, 12, 13, 14 and 15).

8. On November 11, 1985 plaintiff filed a charge against the employer with the Equal Employment Opportunity Commission (EEOC) at its field office in Philadelphia, Pennsylvania and four subsequent charges on May 8, 1986, January 30, 1987, March 18, 1987 and July 22, 1987; and kept the EEOC informed of employer's blatant, brutal and massive retaliation against plaintiff (Exhibits 16a through 16f, and others). The EEOC gave increasing indications of repeatedly ignoring documented evidence of employer's unlawful discrimination and retaliation against the plaintiff, while the employer stepped up their unlawfulness (Exh. 17a to 26, and others). There were strong and repeated indications of EEOC personnel being coerced and intimidated by other agencies of the United States Government. Plaintiff is led to believe that among others, U.S. Dept. of Justice's Federal Bureau of Investigation, Immigration and Naturalization Service; and apart from them the U.S. Dept.

Education are involved. Additionally, the U.S. Attorney for New Jersey, Asst. Attorney General for Civil Rights, and former Attorney General Edwin Meese, in keeping with the Reagan-Meese declared hostility toward Civil Rights and Affirmative action, were litigably involved (42 USC 1986 and 1985(2), among others). Several of the latter involved New Jersey State agencies including the New Jersey Division of State Police and the New Jersey Attorney General in a conspiracy to interfere with plaintiff's civil rights (Exhibits 27 to 36, et al.).

9. Rutgers University, in collusion and conspiracy with parties on and off campus, built fraudulant and fraudulantly contrived dossiers on plaintiff, and latter are denied to plaintiff. Todate, Rutgers has denied plaintiff copies of his "complete–and so certified" files (Exh. 25a to 25d, and others).

10. Rutgers University and their Federal Government and other collaborators have rendered plaintiff unable to find a job anywhere in the country, despite initial very strong interest shown by numerous prospective employers across the country. In such activity Rutgers colluded with national educational organizations as well as with Federal agencies who actively worked to plaintiff's detriment.

11. Rutgers University used totalitarian and oppressive tactics in dealing with faculty; and an environment of intense fear and oppression prevails among Rutgers faculty and staff (Exh. 37, and others).

12. William Bradford Reynolds, Asst Attorney General for Civil Rights; and Samuel Alito, Jr., U.S. Attorney for New Jersey knew of and wilfully and knowingly looked the other way (and thus aided) plaintiff's abridgement of civil rights (Exh. 27 to 36D, et al.).

13. Rutgers University, other defendants and others potentially defendants carried their campaign of malice to discredit plaintiff into the community of Southern New Jersey as well. Among others the Collingswood Lions Club to which plaintiff belonged and others associated with the New Jersey State Republican Party were involved.

14. The contrived, questionable and unlawful "arbitration exercise" of the university and the union must be set aside.

15. Equal Employment Opportunity Commission's Right to Sue letters are enclosed as they are required (only) for that part of the complaint which relates to title VII of the Civil Rights Act of 1964, as amended, and other applicable statutes. (Exh. 42 to 44).

16. *Injury Sustained by Plaintiff*: The plaintiff has sustained the following harm and injury: (a) Plaintiff's career path has suffered irreparable harm and injury on account of his suddenly being placed when he was employed by Rutgers University at an entry level position, after having reached a Full Professorship and Directorship of a Graduate Program in Business Management prior to coming to Rutgers; (b) Plaintiff has been defamed, maligned and has been ostracized and humiliated; his standing in the profesional community has suffered irreparable harm; (c) Plaintiff has been blocked from suitable employment consistent with his career path, and in effect has been blacklisted by Rutgers and their associates. Plaintiff is currently unemployed. (d) Plaintiff has suffered anguish, pain, suffering and humiliation; and has further suffered social ostracization.

17. *Relief Sought*: Wherefore, plaintiff prays the court for the following relief:

(1) A judgment ordering defendant Rutgers, the State University of New Jersey, to (a) take plaintiff back as its employee with the rank of a Full Professor and additionally as director of a Graduate Business Program or a similar position at its Camden Campus, at a salary (to be paid retroactively to plaintiff) equal to the average salary of a Full Professor in plaintiff's former department; (b) to pay plaintiff a sum of $2,000,000- as compensation for the irreparable harm done to his professional career and reputation, plus punitive damages; (c) to pay plaintiff a further sum of $1,000,000- as compensation for defaming and maligning the plaintiff, plus punitive damages; (d) to pay plaintiff a further sum of $1,000,000- to compensate for the pain, suffering and humiliation to which plaintiff has been subjected by the university's actions, plus punitive damages.

(2) A judgment against the faculty union: Rutgers Council of AAUP Chapters ordering it to pay plaintiff a sum of $2,000,000- as compensation for injury to his professional career and career path resulting from its actions.

(3) A judgement against the New Jersey Division of State Police ordeing them to pay plaintiff $1,000,000- for the defamation, ostracization, pain, suffering, and humiliation plaintiff suffered as a consequence of their actions;

(4) A judgment against the Federal Bureau of Investigation ordering it to pay plaintiff a sum of $2,000,000- in damages for injuries he sustained as a consequence of their actions;

(5) An order to the Attorney General of the United States to immediately take appropriate measures to fully investigate and bring to justice the U.S. Attorney's office

in New Jersey, the office of the Asst. Attorney General for Civil Rights, The U.S. Dept of Education, The Immigration and Naturalization, the Attorney General of New jersey, and the Defendants listed in this complaint.

(6) Issue an order to appropriate Federal authorities to arrange for and assure the safety and security of the plaintiff, his family, and his residence—this in view of State and Federal apparatus' hostile and criminal inclinations toward plaintiff.

(7) A judgement for costs, interest, reasonable attorney's fees, and such other relief as the honorable court may deem fit.

(8) A judgment against the Immigration and Naturalization Service of the United States Dept. of Justice to pay plaintiff $2,000,000- for malicious defamation of and economic injury to the plaintiff.

Jury Demand

/s/ Jay B. Bright, Ph.D.

Jay B. Bright, Ph.D. 9-21-1988
Plaintiff

Enclosures:
As listed in each paragraph

APPENDIX B

United States District Court
For the District of New Jersey

Civil Action Docket #88 4115 SSB

Jay B. Bright, Ph.D.

plaintiff

v.

Rutgers, The State University of
New Jersey, et al

defendants

MOTIONS

Returnable: January 20, 1989

THE PLAINTIFF, Jay B. Bright, moves this honorable court as follows:

* * *

2. *MOTION NO. 2: The Plaintiff further moves this honorable court to take urgent steps to assure personal safety of the plaintiff and members of his immediate family, and further to guarantee plaintiff and members of his immediate family use of United States mail service and telephone service free of any interference of any kind, these being among fundamental constitutional rights of us all Americans, and further since interference with these has made impossible plaintiff's pursuit of his (legitimate interests and particularly) interests related to the pursuit of work related this law suit.* SEE IN THIS

regard, among other, plaintiff's letter of October 4, 1988 to the Hon. U.S. Magistrate Mr. Simandle. FUPTHER-MORE, on Dedember 8, 1988, plaintiff has supplied information to the Federal Bureau of Investigation, U.S. Dept of Justice, and to the Camden County Prosecutors' Office of an ongoing conspiracy involving organizations and individuals largely in Southern New Jersey associated with defendant Rutgers University among others, to among other things, bring about physical harm to the plaintiff and his family.

* * *

ENCLOSURES

/s/ Jay B. Bright, 12-15-1988
Jay B Bright, Ph.D. / Plaintiff
212-B Hillcrest Avenue
Collingswood New Jersey 08108

* * *

APPENDIX C

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action #88-4155(SSB)

JAY B. BRIGHT,

Plaintiff,

v.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY, et al.,

Defendants.

OPINION

APPEARANCES:

MR. JAY B. BRIGHT
212 Hillcrest Avenue, #B
Collingswood, NJ 08108
Plaintiff, *pro se*

VOGEL, CHAIT, SCHWARTZ & COLLINS
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Attorney for U.S. Department of Justice

BROTMAN, District Judge.

Plaintiff has filed suit against several defendants as a result of the expiration of his term of employment as an assistant professor and lecturer at Rutgers, The State University of New Jersey. Presently before the court are the plaintiff's motions (1) for entry of default judgment against defendants State of New Jersey Division of State Police ("Division of State Police") and Rutgers Council of AAUP Chapters ("Rutgers AAUP"), and (2) for relief to assure the personal safety of plaintiff and his family. Also before the court is defendant Division of State

Police's cross-motion for enlargement of time to answer or plead. For the reasons set out below, the court will deny the plaintiff's motions and will grant the cross-motion of defendant Division of State Police for enlargement of time.

The court cannot enter a default judgment against the Division of State Police because fairness mandates that it enlarge that defendant's time to answer. "A defendant shall serve an answer within 20 days after the service of the summons and complaint upon that defendant . . . ." Fed. R. Civ. P. 12(a). Defendant Division of State Police has asked this court to extend its time to answer plaintiff's complaint because it failed to provide the Attorney General's office with a copy of the summons and complaint within 20 days. The Division of State Police claims that it has meritorious defenses to the instant action and it would be severely prejudiced by entry of a default judgment against it. The court may, for cause shown, enlarge a defendant's time to answer where that defendant's failure timely to do so resulted from excusable neglect. Fed. R. Civ. P. 6(b). Because the court finds the Division of State Police's neglect in this matter excusable, in the interest of fairness the court will enlarge the time in which that defendant must answer plaintiff's complaint to permit it to answer or file responsive pleadings within 20 days of receipt of this opinion and accompanying order. Since the court is enlarging this defendant's time to respond, it cannot enter a default judgment at this time.

The court cannot enter a default judgment against defendant Rutgers AAUP. "The time within which to answer or reply may, before its first expiration and with or without notice, be extended once for a period not to exceed 15 days on order granted by the Clerk." D.N.J.

R. 13(B). The court clerk granted such an extension and Rutgers AAUP filed its answer within the extra 15-day period. Consequently, that defendant is not in default and the court cannot enter a default judgment against it.

The court is without power to grant plaintiff's motion for relief to secure the personal safety of him and his family. Plaintiff's request for relief is as follows:

> MOTION NO. 2: The plaintiff further moves this honorable court to take urgent steps to assure personal safety of the plaintiff and members of his immediate family use of United States mail service and telephone service free of any interference of any kind, these being among fundamental constitutional rights of us all Americans, and further since interference with these has made impossible plaintiff's pursuit of his (legitimate interests and particularly) interests related to the pursuit of work related this law suit.

In support of his motion plaintiff refers to his allegations of "an ongoing conspiracy involving organizations and individuals largely in Southern New Jersey associated with defendant Rutgers University among others, to among other things, bring about physical harm to the plaintiff and his family." In essence, plaintiff has asked this court for injunctive relief. To establish entitlement to such relief, a plaintiff must establish (1) a reasonable probability of success on the merits; (2) irreparable injury; (3) that balancing the equities requires relief; and (4) that injunctive relief is in the public interest. *United States v. Price*, 688 F.2d 204, 211 (3d Cir. 1982); *Kershner v. Mazurkiewicz*, 670 F.2d 440, 443 (3d Cir. 1982). Because plaintiff has not put forth anything more than bare allegations of harm, he has not met his burden of

proof. Consequently, the court must deny such relief at this time.

An appropriate order will be entered.

/s/ Stanley S. Brotman
Stanley S. Brotman
United States District Judge

DATED: January 19, 1989

APPENDIX D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil #88 4115 SSB

Dr. Jay B. Bright

Plaintiff

v.

Rutgers, The State University, et al

Defendants

PLAINTIFF'S MOTIONS

Returnable: March 3, 1989

THE PLAINTIFF, Dr. Jay B. Bright, moves this honorable court as follows:

* * *

2. *Motion No. 2*: The plaintiff further moves this honorable court to (a) Remove the Honorable Judge Stanley s. Brotman from this case for his demonstration of bias against plaintiff, and (b) Have this case transferred to another judge. Plaintiff offers the following observations in support of this motion:

(i) Judge Brotman in his opinion signed on January 19, 1989—which is part of the permanent record of the case since it has been entered in the Docket Sheet—demonstrated bias in that in his opeining paraagraph (see page 2 of the Opinion) he knowingly, willfully and premeditatedly distorts facts of plaintiff's complaint. Judge Brotman knows very well from paragraphs 5 and 17 of

plaintiff's complaint and from exhibits 16a et seq of the complaint, q.v., among other, that an important thrust of plaintiff's complaint *and* of the remedy sought is that the plaintiff was improperly and unlawfully discriminated against *at the point of hire*. Yet Judge Brotman, knowingly, wilfully and premeditatedly states in his Opinion (Exhibit 5) which is for all concerned—including a Jury and other Courts—to be guided by that: "Plaintiff has filed suit against several defendants as a result of the expiration of his term of employment as an assistant professor and lecturer . . .". Judge Brotman is blatantly distorting plaintiff's comlaint to plaintiff's detriment, and further untruthfully advocates for defendant Rutgers university and for other defendants. Judge Brotman knows the distinction between "subsequent to" and "as a result of"—POST HOC ERGO PROPTER HOC—and yet in his Opinion he uses the latter to plaintiff's detriment.

(ii) It is to be noted that Judge Brotman wrote said Opinion *subsequent to* having read plaintiff's Reply to Rutgers University's answer to plaintiff's motions returnable 1/20/1989 (Exhibit 2).

(iii) Again, in the same opinion, Judge Brotman, knowingly, wilfully, premeditatedly and to plaintiff's detriment refers only to half of plaintiff's material on Motion no. 2 returnable 1-20-1989: See pages 3 and 4 of his said Opinion, deliberately leaving out comment on plaintiff's specific and detailed indictments of extreme unlawfulness by various defendants.

(iv) Furthermore, Judge Brotman has captioned his said Opinion "NOT FOR PUBLICATION" thus attempting to obstruct scrutiny.

3.00 *Motion No. 3*: The plaintiff further moves this honorable court to have the court immmediately subse-

quent to the return date for these motions, forward copies of all the materials gathered by the Court, Hon. Judge Brotman, and Hon. Magistrate Simandle to the Attorney General of the United States with an urgent request that he forthwith appoint a Special Prosecutor to work with this Court in the adjudication of this case; and further that the Court similarly fully apprise the Chairmen of the U.S. Senate Committee on the Judiciary and the Committee on the Judiciary of the U.S. House of Representatives.

February 3, 1989
Date

/s/Jay B. Bright, Ph.D.
Plaintiff

APPENDIX E

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil #88-4115 SSB

March 3, 1989

Plaintiff's URGENT PETITIONS as follows

Jay B. Bright, Ph.D.

Plaintiff

v.

Rutgers, The State University, et al

Defendants

plaintiff's URGENT PETITIONS as follows:

* * *

5. Urgent Petition No. 5: The plaintiff further urgently petitions this honorable court to consider and act upon FURTHER CONCERNS—see here, among other, plaintiff's Motions returnable 3-3-1989; Plaintiff to Hon Mag Simandle, 10-4-1988; Complaint paragraphs 3, 12 and 13, among others—OF THE PLAINTIFF IN REGARD TO THE INTEGRRITY AND INDEPENDENCE OF THIS HONORABLE COURT.

The plaintiff, in his February 14, 1989 petition to the court—q.v.—had requested Continuance of FBI+INS' "motion hearing" to April 7, 1989, and yet the Honorable Judge Brotman wrote in a letter showing the date 2-15-1989: Exhibit 5 attached herewith, conveying the

misleading impression on all objective readers that plaintiff had somehow requested continuance to March 17, 1989. The envelope in which the letter came shows no date stamp: Exh 6, as it normally should–NONE OF THE LETTERS FROM THIS COURT *AND* THE U.S. DEPT. OF JUSTICE SHOW DATE STAMPS WHILE THEY NORMALLY SOULD. This court, in all fairness needs to investigate if the fact that Judge Brotman has had over twelve years of contacts with defendant Rutgers University situated one block from the Court House, Judge Brotman's extremely close ties with the leaders of defendant Rutgers University an overwhelmingly Jewish dominated institution and the Honorable Judge Brotman being an active leader for years in the local Jewish community; Judge Brotman's Clerk Bloustein's ties with defendant Rutgers University (Bloustein being also of the Jewish faith) and Clerk Bloustein's appointment at or about the time of plaintiff's filing of this complaint (as of Deputy Clerk of the Court Paul Taylor a recent Rutgers University employee: see Plaintiff to Hon Simandle, 10-4-1988 among other). These are plaintiff's concerns and the Court needs to fairly look into these.

FURTHERMORE, the plaintiff also requests a thorough investigation of the following as plaintiff experienced it: ON 2-14-1989 olaintiff was typing his 2-14-1989 sbmission to this honorable court, he got a telephone call from his daughter at Collingswood Junior High School that she was sick and if plaintiff could pick her up; plaintiff left the papers on his desk and rushed to the school. Plaintiff believes the "Police Apparatus" (Federal, State, Local Police *and* people they use/employ/get/ as volunteer vigilantees), as historically, entered plaintiff's apartment when he was away, photographed plaintiff's 2-14-1989 submission, conveyed it to defendants FBI/

their cohorts (and other defendants); Counsel for FBI (and INS) received Fax copies of plaintiff's said submission, wrote up a letter to plaintiff (Exh 7) *backdating* it to 2-10-1989, and had the mailman deliver it to plaintiff's residence on 2-14-1989 (Exh 8). Plaintiff's papers on his desk had been shifted. SUCH SCENARIO TOOK PLACE REPEATEDLY WHILE PLAINTIFF WAS EMPLOYED AT RUTGERS UNIVERSITY. These are plaintiff's concerns and the court needs to look into these fairly as plaintiff believes they represent a prostitution of the Judicial system and of Justice and of this Honorable Court by a Police State apparatus led and fostered by the Executive Branch of the Government of this great country of ours, and exemplify for the nth time a Police State environment to which plaintiff has been subjected for four years at Rutgers University and in New Jersey.

March 3, 1989 /s/ Jay B. Bright/3-3-1989
Plaintiff

APPENDIX F

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil #88 4115 SSB
March 13, 1989

Plaintiff's Elaboration of his 3-3-1989 Petition #3

Dr. Jay B. Bright

plaintiff

Rutgers University, et al

defendants

PLAINTIFF"S ELABORATION of his 3-3-1989 Petition #3:

* * *

5. Plaintiff deems it essential to avoid as much as possible travel on highways, as he fears for his life (as he does for the lives of his wife and children)—plaintiff has experienced in the past four years repeated attempts on his life, including but not limited to those involving attempts to crush plaintiff in his automobile—please see in this regard among other (i) Complaint para 17.6; (ii) The transcript of the 1-4-1989 Court Conference; (iii) Plaintiff to U.S. Representative James Florio—D-New Jersey, dated July 6, 1987—*copy attached*; such attempts and others including but not limited to use of biochemical/gas/germ weapons being used on plaintiff continually, ongoingly and presently and increasing in intensity.

* * *

March 13, 1989 /s/ Jay B. Bright/3-13-1989
plaintiff

U.S. Rep. Florio, D-NJ — Jay B. Bright, Ph.D.

Dear Congressman Florio, — July 6, 1987

1.00 Re the EEOC: On July 2, 1987 I went to the office of the EEOC's Dist Dir, Mr. Butler, at 127 N. 4th St, Philadelphia, PA. As always, he had disappeared by the time I reached his office. His secretary, Ms Shakelford, took my papers (*copy enclosed*).

Now comes the main part: as with postal clerks, the Federal/State police train all involved to deceive and to commit fraud. Upon my insistence, Ms Shakleford "time stamped" both my papers and the receipt (see enclosure) showing June 32, 1987 on both my papers and the receipt! (see enclosure). Upon my polite but firm insistence she then changed the date on her own date-stamper to July 2, '87 (see enclosure). The Federal/State apparatus tail me/tap my home and office 'phones, and precede me, and then, if people knuckle under (most do) corrupt them and train them to deceive and defraud. At Rutgers, numerous professors, staff, secretaries, and students have been so used.

1.01 Investigation by Congressional Committee(s) is called for. I am apprising U.S. Rep. Bill Gray of Philadelphia of the matter also.

2.01 Stepped-up attempts by the New Jersey State Police/Federal Apparatus to physically hurt me: Last Monday, June 29, '87, I obtained from your Woodbury office U.S. Rep Bill Gray's, and Immigration and Naturalization Service's, addresses. On the way home from Woodbury, as usual, unmarked old vehicles tailed me—this time, however, one repeatedly tried to side-swipe me and another one crossed me in the front. On Tuesday *and* Wednesday huge commercial trucks tried to hurt

me—one came at me on my side of the road: by God's grace I swerved in a split' second and survived. You see, State and Federal agencies are deeply involved in my matter against Rutgers (a large, powerful organization).

* * *

Respectfully Submitted,

/s/ Jay B. Bright, Ph.D.

APPENDIX G

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action #88-4115 (SSB)

JAY B. BRIGHT,

Plaintiff,

v.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY, *et al.*,

Defendants.

OPINION

APPEARANCES:

JAY B. BRIGHT, *pro se*
212 Hillcrest Avenue, #B
Collingswood, NJ 08108

VOGEL, CHAIT, SCHWARTZ & COLLINS
BY: ARON M. SCHWARTZ, ESQ.
Maple Avenue at Miller Road
Morristown, NJ 07960
Attorneys for Rutgers, The State
University of New Jersey

REINHARDT & SCHACHTER, P.C.
BY: DENISE REINHARDT, ESQ.
744 Broad Street, Suite 3100
Newark, NJ 07102
Attorneys for Rutgers Council of
AAUP Chapters

OFFICE OF THE ATTORNEY GENERAL
OF NEW JERSEY
BY: WALTER LUCAS, ESQ.
New Jersey Department of Law and Public Safety
Division of Law, Claims Service Section
Richard J. Hughes Justice Complex – CN 116
Trenton, NJ 08635
Attorney for New Jersey Division of
State Police

OFFICE OF THE U.S. ATTORNEY
BY: DOROTHY DONNELLY,
ASSISTANT U.S. ATTORNEY
402 East State Street, Room 265
Trenton, NJ 08608
Attorney for U.S. Department of Justice

BROTMAN, District Judge.

Plaintiff has filed suit against Rutgers, The State University of New Jersey ("Rutgers"), the New Jersey Division of State Police ("Division of State Police"), and other defendants charging discrimination and other unlawful conduct arising out of his employment as an assistant professor and later lecturer at Rutgers. Presently before the court are plaintiff's motions (1) to amend the docket sheet for this case; (2) for me to recuse myself from this case; (3) for this court to request the Attorney General of the United States to appoint a special prosecu-

tor in this case; and (4) to order defendant Rutgers to appoint plaintiff to the position of "Court Ordered Provisional Professor." Also before the court is defendant Division of State Police's cross-motion to dismiss. For the reasons set forth below, the court will deny plaintiff's motions and will grant the motion of the Division of State Police.

Plaintiff first contends that the court should order the court clerk to amend the docket sheet to reflect the filing of plaintiff's various reply briefs and a letter to the United States Attorney. It is the practice of the court clerk not to docket and retain letters and briefs: instead, the clerk stamps them "filed" and transmits them to the appropriate judge's chambers. The court must therefore deny plaintiff's request to amend the docket sheet.

Plaintiff next asks me to recuse myself from this case because (a) the court's previous opinion in this matter allegedly misstated the nature of the plaintiff's lawsuit; (b) the court's opinion of January 19, 1989, in this matter was written after I allegedly read plaintiff's reply papers regarding another motion returnable January 20, 1989; (c) the court's January 19th opinion referred to only half of plaintiff's material on his "Motion No. 2"; and the January 19th opinion was not designated for publication. A judge must recuse himself or herself "in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). Specifically, a judge cannot participate in a matter "[w]here he has a personal bias or prejudice concerning a party . . . ." *Id.* § 455(b); *see id.* § 144. The court must measure plaintiff's motion to recuse by an objective standard by determining whether a reasonable person would perceive bias or prejudice. *United States v. Greenough*, 782 F.2d 1556, 1558 (11th Cir. 1986). Moreover, "The alleged bias must

stem from an extrajudicial source and result in an opinion on the merits on some basis other than what the judge learned from his participation in the case." *United States v. Grinnell*, 384 U.S. 563, 583 (1966); *accord Johnson v. Trueblood*, 629 F.2d 287, 291 (3rd Cir. 1980), *cert. denied*, 450 U.S. 999 (1981). The court finds that none of plaintiff's allegations present reasonable grounds upon which judicial bias or prejudice could be perceived. Furthermore, none of plaintiff's allegations points to bias or prejudice stemming from beyond the merits of his lawsuit. The court must therefore deny plaintiff's motion to recuse.

Plaintiff further asks this court to

> forward copies of all the materials gathered by the Court, Hon. Judge Brotman, and Hon Magistrate Simandle to the Attorney General of the United States with an urgent request that he forthwith appoint a Special Prosecutor to work with this Court in the adjudication of this case; and further that the Court similarly fully apprise the Chairmen of the U.S. Senate Committee on the Judiciary and the Committee on the Judiciary of the U.S. House of Representatives.

Plaintiff has failed to supply the court with either a factual or a legal basis for doing so, and therefore the court must deny plaintiff's request.

Plaintiff also asks the court to order Rutgers to reinstate him "with a salary reflecting his latest paycheck and with a job title of 'Court Ordered Provisional Professor' with the understanding that in the interest of continuity of plaintiff's employment he be paid back wages as well going back to the day he was terminated from his employment . . . ." In essence plaintiff asks for summary

judgment as well as injunctive relief. First, the plaintiff has not demonstrated to the court the absence of any genuine issues of material fact, and consequently summary judgment is inappropriate at this time. Second, plaintiff has failed to make a sufficient showing for the court to grant injunctive relief. To obtain such relief a plaintiff must establish (1) a reasonable probability of success on the merits; (2) irreparable injury; (3) that balancing the equities requires relief; and (4) that injunctive relief is in the public interest. *United States v. Price*, 688 F.2d 204, 211 (3d Cir. 1982); *Kershner v. Mazurkiewicz*, 670 F.2d 440, 443 (3d Cir. 1982). Because plaintiff has failed to meet his burden, especially with regard to irreparable injury, the court must deny the requested injunctive relief.

Finally, defendant Division of State Police has moved to dismiss plaintiff's complaint on the grounds that the eleventh amendment, U.S. Const. amend. XI, bars this lawsuit. The eleventh amendment prevents any suit by a citizen of a state against any state in federal court. *Hans v. Louisiana*, 134 U.S. 311 (1890); *see Edelman v. Jordan*, 415 U.S. 651, 663 (1974). The eleventh amendment bar does not apply where a plaintiff seeks prospective injunctive relief against a particular state official rather than against the state itself. *Ex Parte Young*, 209 U.S. 123 (1908); *Edelman*, 415 U.S. at 663-68. Plaintiff's lawsuit against the Division of State Police is in essence a lawsuit against the State of New Jersey. *See Urbano v. Board of Managers of New Jersey State Prison*, 415 F.2d 247, 250-52 (3d Cir. 1969), *cert. denied*, 397 U.S. 948 (1970). Because this action does not fit into any exception to the eleventh amendment bar, the court must dismiss the complaint against the Division of State Police.

An appropriate order will be entered.

/s/ Stanley S. Brotman
Stanley S. Brotman
United States District Judge

DATED: March 14th 1989

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action #88-4115 (SSB)

JAY B. BRIGHT,

Plaintiff,

v.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY, *et al.*,

Defendants.

ORDER

This matter having come before the court on plaintiff's motions (1) to amend the docket sheet, (2) to recuse, (3) for this court to request the Attorney General of the United States to appoint a special prosecutor, and (4) to order defendant Rutgers, The State University of New Jersey ("Rutgers") to appoint plaintiff to the position of "Court Ordered Provisional Professor," and on defendant New Jersey Division of State Police's ("Division of State Police") cross-motion to dismiss; and

The court having considered the submissions of the parties; and

For the reasons set forth in the court's opinion of this date;

IT IS on this 14th day of March, 1989, hereby

ORDERED that

(1) plaintiff's motion to amend the docket sheet is DENIED;

(2) plaintiff's motion to recuse is DENIED;

(3) plaintiff's motion to order defendant Rutgers to appoint him to the position of "Court Ordered Provisional Professor" is DENIED; and

(4) defendant Division of State Police's motion to dismiss plaintiff's complaint is GRANTED and the complaint against the Division of State police is DISMISSED WITH PREJUDICE.

No costs.

/s/ Stanley S. Brotman
Stanley S. Brotman
United States District Judge

APPENDIX H

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action No. 88-4115 (SSB)

JAY B. BRIGHT,

Plaintiff,

vs.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY, *et al.*,

Defendant.

AMENDED ANSWER ON BEHALF OF DEFENDANT,
RUTGERS, THE STATE UNIVERSITY OF
NEW JERSEY

Defendant Rutgers, The State University of New Jersey (hereafter, the "University") by way of answer to the complaint says:

1. The University admits that the plaintiff in this action is Jay B. Bright and that he filed this action *pro se*. Otherwise, the University has insufficient knowledge or information either to affirm or deny the remainder of allegation 1.

2. The University admits that it is a defendant in this action and that it is a public institution. The University does not understand that part of the allegation relating to the "principal representative being the officer in charge of the University's Camden campus and others with

whom he/she works directly or indirectly . . ." and therefore does not respond. The University denies causing any injury to plaintiff. The University admits that the other co-defendants in this action are those who have been so named.

3. The University does not understand allegation 3 of the complaint and therefore does not respond.

4. This allegation relates to the jurisdiction of the Court and does not set forth any factual allegations which require either affirmance or denial.

5. The University admits that plaintiff was employed by the University from July 1, 1984 to June 30, 1987 as an Assistant Professor and from July 1, 1987 to June 30, 1988 as a Lecturer. The University has insufficient independent knowledge or information either to affirm or deny the remainder of allegation 5.

6. The University admits that plaintiff began his employment at the University in July, 1984 at the salary of $30,140.00 per academic year. The remainder of allegation 6 is denied.

7. The University denies the first and second sentences of allegation 7.

With respect to the third sentence of allegation 7, the University states that two grievances were filed pursuant to the grievance procedure contained in the contract between the University and the faculty union; that the University found the first grievance to be untimely and aspects of the second grievance to be untimely as well; that the first grievance was not pursued beyond the first step of the grievance procedure; that plaintiff refused to attend a meeting concerning the second grievance; that the timeliness issue concerning the second grievance was

taken to arbitration; that the arbitrator found one additional allegation of the second grievance to be timely; that the University made a step one determination adverse to plaintiff on the merits of the timely allegations of the second grievance; and that the second grievance was thereafter not pursued beyond the first step of the grievance procedure. Otherwise, the third sentence of allegation 7 is denied.

The University denies the fourth sentence of allegation 7.

The University has insufficient knowledge or information either to affirm or deny the fifth and sixth sentences of allegation 7.

The University denies the seventh sentence of allegation 7.

With respect to the eighth sentence of allegation 7, the University states that the contract between the University and the faculty union requires that arbitrators be selected by means of written request to the State Mediation Service. Otherwise, the University denies the eighth sentence of allegation 7.

With respect to the ninth and tenth sentences of allegation 7, the University has insufficient information either to affirm or deny what plaintiff believes.

The University has insufficient information either to affirm to deny the eleventh sentence of allegation 7.

With respect to the twelfth sentence of allegation 7, the University has insufficient knowledge or information either to affirm or deny the statements pertaining to meetings and communications between and among plaintiff, the arbitrator, and the faculty union. The University denies the remainder of the twelfth sentence of allegation 7.

8. As to the first sentence of allegation 8, the University admits being served with three charges dated November 14, 1985, May 8, 1986, and March 18, 1987, respecrively; admits receiving a document dated January 30, 1987 entitled "Brief" but denies that that document is a charge; has insufficient knowledge or information either to affirm or deny the contention regarding a charge supposedly filed on July 22, 1987; and denies the remainder of the first sentence of allegation 8.

The University denies the second sentence of allegation 8.

The University has insufficient knowledge or information either to affirm or deny the remainder of allegation 8.

9. The University denies allegation 9.

10. The University denies that it has rendered plaintiff unable to find a job anywhere in the country and that it colluded with national educational organizations and federal agencies. Otherwise, the University has insufficient knowledge or information either to affirm or deny the remainder of allegation 10.

11. The University denies allegation 11.

12. The University has insufficient knowledge or information either to affirm or deny allegation 12.

13. The University denies that it carried out any campaign of malice to discredit plaintiff; the University has insufficient knowledge or information either to affirm or deny the remainder of allegation 13.

14. The University denies allegation 14.

15. Allegation 15 states no facts which require either affirmance or denial.

16. The University denies allegation 16.

17. Allegation 17 constitutes plaintiff's prayer for relief and accordingly does not require either affirmance or denial.

FIRST SEPARATE DEFENSE

Plaintiff's claims are barred by the applicable statutes of limitations.

SECOND SEPARATE DEFENSE

To the extent plaintiff asserts a claim under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, plaintiff's claim is barred for failure to comply with the administrative procedures and prerequisites contained in Title VII.

THIRD SEPARATE DEFENSE

The complaint fails to set forth a cause of action.

FOURTH SEPARATE DEFENSE

The complaint fails to state facts upon which to base a claim for relief.

FIFTH SEPARATE DEFENSE

Plaintiff's claims are barred as a result of his failure to exhaust internal remedies.

SIXTH SEPARATE DEFENSE

All actions of defendant Rutgers, The State University of New Jersey, or its officers, employees, or agents, were based on legitimate, non-discriminatory reasons.

SEVENTH SEPARATE DEFENSE

Defendant Rutgers, The State University of New Jersey, and its officers, employees, or agents were at all

times acting in good faith and therefore the University is entitled to qualified immunity.

EIGHTH SEPARATE DEFENSE

To the extent that plaintiff asserts a claim under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, plaintiff's claim is barred by virtue of the fact that it is beyond the scope of the charges filed by the plaintiff with the Equal Employment Opportunity Commission.

WHEREFORE, defendant Rutgers, The State University of New Jersey demands judgment dismissing the complaint, awarding attorneys' fees and costs of suit, and awarding such other relief as the court may deem appropriate.

VOGEL, CHAIT, SCHWARTZ AND COLLINS
A Professional Corporation

By: /s/ Aron M. Schwartz
Aron M. Schwartz

DATED: 3/31, 1989

CERTIFICATION

I hereby certify that the foregoing Amended Answer was filed within the time provided by Court order dated March 17, 1989, and in the manner provided by the Federal Rules of Civil Procedure and that a copy of the foregoing Amended Answer was served this date by certified mail, return receipt requested and by regular mail on

Jay B. Bright
212 Hillcrest Avenue, #B
Collingswood, New Jersey 08108

I further certify that a copy of the foregoing Amended Answer was served this date by regular mail on

Denise Reinhardt, Esq.
Reinhardt & Schachter, P.C.
744 Broad Street
Newark, New Jersey 07012

Walter Lucas, Esq.
Deputy Attorney General
Richard J. Hughes Justice Complex
CN 116
Trenton, New Jersey 08625

Dorothy Donnelly, Esq.
Assistant U.S. Attorney
401 Market Street
Newark, New Jersey 07102

/s/ Aron M. Schwartz
Aron M. Schwartz

DATED: 3/31, 1989

APPENDIX I

United States District Court
For the District of New Jersey

Docket #88 4115 (SSB)

Plaintiff's Various Motions Including Motions to Compel Discovery, et al.

Jay B. Bright, Ph.D.

Plaintiff

v.

Rutgers, the State University of New Jersey, *et al.*

Defendants

PLAINTIFF'S VARIOUS MOTIONS INCLUDING MOTIONS TO COMPEL DISCOVERY, EL AL.

* * *

9.00 *Motion No. 9 (Returnable October 6, 1989)*: The plaintiff further moves this honorable court to make arrangements with the U.S. Attorney to hold hearings "in Confidence" in regard to this case, as numerous individuals may then be able to testify without fear of retaliation from the University-Corporate-Government complex that bribed and/or coerced them to engage in blatantly unlawful activity a la "The Nuremberg Defense" effect. Plaintiff, as he has been at the receiving end of the brutalities and atrocities, can identify elected officials, corporate officials, University personnel, students, physi-

cians, shopkeepers, attorneys, personnel of this very court, shopkeepers, and individuals from across the country and India (where plaintiff was born) who were thus "used" by the University-Corporate-Government complex. The activities against the plaintiff ranged (and still continue) from fraudulently painting plaintiff 'bad', to entrapment, to murder of the plaintiff and of members of his family.

* * *

Date
September 11, 1989

Jay B. Bright, Ph.D., Plaintiff
/s/ Jay B. Bright, Ph.D.

APPENDIX J

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action #88-4155 (SSB)

JAY B. BRIGHT, Ph.D.,

Plaintiff,

v.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY, et al.,

Defendants.

ORDER

This matter having come before the court on plaintiff's motion captioned "alert and petition seeking denial to hear against motions of defendant Rutgers Council of AAUP"; and

The court having carefully considered the submissions of the parties; and

The court having determined that the motion is frivolous in that the court routinely grants parties additional time to respond as the court has discretion to change the return date of a motion, *see* Local Rule 12(c);

IT IS on this 30th day of October, 1989, hereby

ORDERED that plaintiff's motion is DISMISSED.

No costs.

/s/ Stanley S. Brotman
Stanley S. Brotman
United States District Judge

APPENDIX K

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action No. 88-4115(SSB)

JAY B. BRIGHT,

Plaintiff,

vs.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY, *et al.*,

Defendants.

NOTICE OF MOTION FOR SUMMARY JUDGMENT

TO: Dr. Jay B. Bright, *Pro Se*
212 Hillcrest Avenue
Collingswood, New Jersey 08108

Denise Reinhardt, Esq.
Reinhardt & Schachter, P.C.
744 Broad Street
Newark, New Jersey 07102

Dear Sir and Madam:

PLEASE TAKE NOTICE that on Friday, March 16, 1990 at 10:00 a.m. or as soon thereafter as counsel may be heard, the undersigned, attorneys for defendant Rutgers, The State University of New Jersey, will move

before the Honorable Stanley S. Brotman for an order of summary judgment dismissing plaintiff's complaint, pursuant to Fed. R. Civ. P. 56.

PLEASE TAKE FURTHER NOTICE that, in support of the aforesaid motion, defendant, Rutgers, The State University of New Jersey, relies upon the following:

1. The Affidavit of Peter Weissenberg;

2. Affidavit of Walter K. Gordon;

3. Plaintiff's answers to Rutgers' Interrogatories;

4. Portions of the transcript of plaintiff's deposition; and

5. Brief.

In accordance with the local rules governing the District Court for the District of New Jersey, pleadings responsive to this motion for summary judgment are to be filed no later than 14 days prior to the return date.

VOGEL, CHAIT, SCHWARTZ AND COLLINS
A Professional Corporation
Attorneys for Defendant
Rutgers, The State University
of New Jersey
Maple Avenue at Miller Road
Morristown, New Jersey 07960
(201) 538-3800

By: /s/ Aron M. Schwartz
Aron M. Schwartz

DATED: February 20, 1990

APPENDIX L

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action No. 88-4115(SSB)

JAY B. BRIGHT,

Plaintiff,

vs.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY, *et al.*,

Defendants.

AFFIDAVIT OF PETER WEISSENBERG

STATE OF NEW JERSEY:
: SS.:
COUNTY OF CAMDEN :

I, PETER WEISSENBERG, upon my oath, say:

1. I am employed by Rutgers, The State University of New Jersey (the "University") as a Professor at the University's School of Business, Camden Campus. From July 1, 1982 to June 30, 1987, I served as the Associate Dean of the Faculty of Business Studies (FBS), the predecessor to the School of Business in Camden. This Affidavit is made and submitted in connection with the University's Motion for Summary Judgment.

2. Among my duties and responsibilities as Associate Dean of FBS, as assigned by Dr. Walter Gordon, the Dean of FBS, was the oversight of recruitment and hiring of new faculty members. As a result, I became familiar with general university hiring practices and procedures. Because I was personally involved in the appointment of Dr. Jay Bright to the faculty of FBS, I have direct knowledge of the circumstances of his hiring. Consequently, the facts set forth herein are based upon personal knowledge.

3. As a result of two vacancies due to the resignation of FBS faculty members, I began a recruitment and search process in the fall semester 1983 to find replacements. At the time the recruitment process began, $27,084 was allocated to the faculty line which Dr. Bright ultimately filled. As of the time of the determination of the amount of funds available for that line, we had not received any inquiry or application from Dr. Bright indicating interest in that position or applications from any other candidates. Furthermore, when Dr. Bright first inquired about a position at FBS in February, 1984, we were well into the recruitment process and had received a number of applications for the position.

Attached as Exhibit A is a true and accurate copy of the job listing which was placed with the Financial Management Association Placement Clearing House in connection with the recruitment for the position ultimately filled by Dr. Bright. Prior to my receipt of Dr. Bright's initial inquiry regarding this position in February, 1984, the position had already been offered to several other candidates at the rank of assistant professor and a salary of no more than $27,084. Each of these three candidates declined the offer.

4. In February, 1984, I received a note from Dr. Bright indicating interest in a position at FBS. I responded to that inquiry by letter dated March 6, 1984 (a true and accurate copy of which is attached hereto as Exhibit B). In that letter I advised Dr. Bright that I was recruiting for faculty in his field and would consider him for a position provided that he furnished me with a complete vita. I further advised Dr. Bright that I was unsure whether any opening would be available since I was in the process of discussing possible contracts with two other junior faculty candidates. Dr. Bright then responded by letter dated March 23, 1984 (a true and accurate copy of which is attached hereto as Exhibit C). In that letter, Dr. Bright expressed interest in a position as a visiting faculty member at FBS with Rutgers. With respect to salary, Dr. Bright stated, "I have in mind a figure in the low thirties for the academic year."

5. By memorandum of May 17, 1984, Dr. Milton Leontiades, then Chairman of the Appointments & Promotions Committee (the "A & P Committee") in the FBS, reported to me that he and Dr. Izzetin Kenis, also a member of the A & P Committee had interviewed Dr. Bright. (A true and accurate copy of Dr. Leontiades' May 17, 1984 memorandum to me is attached hereto as Exhibit D.) Dr. Leontiades reported that both he and Dr. Kenis were "satisfied that Dr. Bright would be a worthwhile addition" to the FBS faculty as an assistant professor.

6. By memorandum of May 18, 1984, I wrote to Provost Walter Gordon requesting the appointment of Jay Bright as an Assistant Professor for a three-year term beginning July 1, 1984. (A true and accurate copy of my May 18, 1984 memorandum is attached hereto as Exhibit E.) In that memorandum, I also requested additional

funding, in the amount of $3,093, to bring Dr. Bright's starting salary to $30,177.

7. At the time plaintiff began his employment at the University on July 1, 1984, there were five other assistant professors in the FBS. The salaries of those faculty members ranged from $25,217 to $28,794. At that time, Dr. Bright's salary of $30,140 was the highest of all the assistant professors in FBS. These other assistant professors held either a Ph.D., an MBA, a J.D., or an LL.M.—each of which may be considered an appropriate terminal degree for FBS faculty, depending on one's field.

8. When I was Associate Dean of FBS, I was also responsible for making office assignments to new faculty in the FBS. The primary consideration in making office assignments was the availability of office space. In addition, an effort was made to place individuals with the same area of expertise in the same vicinity. This is done to encourage faculty interaction and professional development.

9. The primary location of the FBS faculty offices was in Victor Hall. As of September 1, 1984 when Dr. Bright began at the University, 13 FBS faculty members had offices on the sixth floor of Victor Hall and seven faculty members (including Dr. Bright) had offices on the fifth floor. In addition, three members of the FBS faculty had office assignments in Armitage Hall, another building on campus. At the time plaintiff was assigned his office in July, 1984, that office was the only one available. Moreover, it was particularly appropriate since it was on the same floor and in the same vicinity as the only other person specializing in finance, Dr. Bright's field.

/s/ Peter Weissenberg
PETER WEISSENBERG

Sworn and subscribed to
before me this 20th day
of February, 1990.

/s/ Margaret S. Ryan
My commission expires 8/19/90

ATTACHMENTS TO AFFIDAVIT
OF PETER WEISSENBERG
INTENTIONALLY OMITTED,
EXCEPT FOR EXHIBITS B & C

RUTGERS
The State University of New Jersey
Faculty of Business Studies
Camden, New Jersey 08102

March 6, 1984

Dr. Jay B. Bhatt, Director
PostGraduate Program in Business Management
Sauraschtra University
Rajkot Gujarat
360 005
India

Dear Jay:

Thank you very much for your note of February 6 indicating that you will be returning to the U.S. soon and might be interested in a position.

At the moment I am recruiting for faculty in the field of Finance again and will be glad to consider you. I do remember that after our last meeting and discussion we unfortunately concluded that you might not be able to make the rank of Associate Professor with Tenure here on our Faculty. However, if you will send me a complete vita again I will be glad to review it once more. In addition it is possible I may be seeking a visiting faculty member for one year only. If this happens to be the case, would you be interested? Probably in that case, I would be able to make it a Visiting Associate Professor. If you are interested, please do let me know as soon as possible and then I will get back with you.

Please realize that I am not sure these openings will be available since I am at present in the process of discussing possible contracts with two junior faculty candidates.

* * *

Cordially,

/s/ Peter
Peter Weissenberg
Associate Dean

SAURASHTRA UNIVERSITY
Postgraduate Programme in Business Management
Rajkot, Gujarat

March 23, '84

Dr. Peter Weissenberg
Associate Dean
Faculty of Business Studies
Rutgers, the State University
Camden, New Jersey, 08102

Dear Peter,

Thank you so very much for your letter of March 6th.

I have read your letter carefully, and it is my feeling that I could give serious consideration to a Visiting Associate Professorship in Finance with Rutgers/Camden for this coming academic year.

As for the salary amount, I have in mind a figure in the low thirties for the academic year. I will, incidentally, happily accept your decision in this regard since we seemed to be "on the same wavelength" on most things when we had detailed discussions in Washington.

* * *

Sincerely yours,

/s/ Jay B. Bright
Jay B. Bright, Ph.D.

APPENDIX M

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action No. 88-4115(SSB)

JAY B. BRIGHT,

Plaintiff,

vs.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY, *et al.*,

Defendants.

AFFIDAVIT OF WALTER GORDON

STATE OF NEW JERSEY :
: SS.:
COUNTY OF CAMDEN :

WALTER K. GORDON, being duly sworn, says:

1. I am employed by Rutgers, The State University of New Jersey (the "University") as Provost of the University's Camden Campus and have been Provost since July 1, 1981. In addition to serving as Provost, I also served as the Dean of the Faculty of Business Studies (FBS) at Camden from July 1, 1982 to June 30, 1986. This Affidavit is made and submitted in connection with the University's Motion for Summary Judgment. Accordingly, the facts set forth in this Affidavit are based upon my personal knowledge.

2. My duties as Provost are set out in University Regulation 2.31 which states:

> 2.31. The provost in Camden shall be the principal administrative officer for the Camden campus in respect of academic affairs, student life, business management, campus security, and physical plant operations. The provost shall provide overall policy direction for the deans of the several schools and colleges and for the directors of the aforementioned administrative departments on the Camden campus; shall administer personnel policies and procedures concerning both faculty and staff of those units and shall have responsibility for the proper maintenance of their personnel records; shall direct, with the advice of deans and directors, the planning and budgeting process for the campus as a whole; shall allocate resources among the several academic units and administrative departments; and shall provide general supervision of all academic and administrative affairs of and between the several units and departments, to ensure that their affairs are being carried out effectively and in accordance with the policies of the University. The provost shall be accountable to the president of the University.

University Regulations 2.41, 2.41A, and 2.41B defined my duties as Dean of FBS:

> 2.41. A dean or director shall be the principal officer of each academic unit of the University, e.g., college, graduate and professional school, institute, or center. This officer shall be charged with the supervision of the administration of that unit, to ensure that it is being carried out in accordance with the policies of the University.
>
> 2.41A. Each dean or academic director shall provide overall direction for the several department

chairpersons and directors of degree programs in that unit and shall lead the faculty and staff of the unit in the creation and implementation of effective programs of instruction, research, service, and student life.

2.41B. In the execution of these responsibilities, the dean or academic director shall review the academic programs of the several departments and degree programs of the unit, as well as the student life program of the unit as a whole, and shall develop with the advice of the department chairpersons the overall asking and working budgets for the unit. The dean or academic director shall supervise the overall personnel and budget administration of the unit, and shall be responsible for the maintenance of such personnel and fiscal records as are necessary for the proper exercise of these responsibilities.

I am consequently personally knowledgeable and familiar with general university hiring practices and procedures and the collectively negotiated agreement between the University and the Rutgers Council of AAUP Chapters, the faculty union (AAUP).

3. While I was the Dean of FBS, the Associate Dean of FBS performed such duties and responsibilities as I assigned to him from time to time. Although I generally delegated responsibility for recruitment and selection of faculty to the Associate Dean of FBS, I retained the appointment authority. Following this procedure, in 1984 I delegated to then Associate Dean of FBS, Dr. Peter Weissenberg, the responsibility for the recruitment and search process that ultimately led to the hiring of Dr. Jay Bright.

4. The first step in the hiring process in the FBS is a determination by the faculty and administrative officers

of FBS is a determination by the faculty and administrative officers of FBS that a vacancy needs to be filled (or that a new position should be established). No hiring can actually take place unless a "line" is available to the FBS —*i.e.*, a commitment of a certain amount of funds for the position. The faculty and administrative officers of FBS also determine the fields of expertise, the types and levels of experience and other credentials to seek in candidates for the position. These procedures were followed in connection with filling the position ultimately offered to Dr. Bright.

5. Candidates for a faculty position at FBS are ordinarily interviewed by the FBS Appointments and Promotions Committee (the "A & P Committee"). Pursuant to University regulations, each faculty or college (academic unit) has its own A & P Committee. The duties of the A & P Committee are to advise the dean of the academic unit as to appointments, reappointments, promotions, retirement and personnel procedures generally.

6. By memorandum of May 18, 1984, the Associate Dean of FBS (then Dr. Peter Weissenberg) requested the appointment of Jay Bright at the rank of assistant professor. (A true and accurate copy of Dr. Weissenberg's May 18, 1984 memorandum is attached as Exhibit A.) As stated in Dr. Weissenberg's memorandum, the line available to FBS for this appointment was initially funded up to $27,084. Dr. Weissenberg sought additional funding in the amount of $3,093 to bring the salary to $30,177. This figure corresponded to a range and step on the salary guide then in effect and negotiated between the University and the "AAUP" (a true and accurate copy of which is attached hereto as Exhibit B). (The AAUP is the majority representative of Rutgers University full-time faculty members for purposes of collective negotiations.)

7. On May 25, 1984, I wrote to Dr. Bright offering him a faculty position in the FBS. (Attached as Exhibit C is a true and accurate copy of my May 25, 1984 letter to Dr. Bright.) With that letter, I sent Dr. Bright a standard faculty contract calling for a starting salary of $30,140 for the academic year and appointment at the rank of assistant professor. The reason for the salary of $30,140 instead of the $30,177 proposed by Dr. Weissenberg was that a new collectively negotiated salary guide was going into effect on July 1, 1984. (A true and accurate copy of the salary guide effective as of July 1, 1984 is attached hereto as Exhibit D.) The closest dollar amount on the new guide that corresponded to the proposed salary of $30,177 was $30,140.

8. Under cover of a letter dated June 13, 1984, Dr. Bright returned the signed contract to me. (True and accurate copies of his June 13, 1984 cover letter and the signed contract are attached hereto as Exhibit E and Exhibit F, respectively.)

9. The contract assigns Dr. Bright the rank of Assistant Professor. In assigning academic rank upon initial appointment, the following factors are weighed and considered by the University:

—degree(s) received or to be received

—institutions attended

—nature and extent of scholarly publications and research activity

—quality and quantity of scholarly publication and other evidence of research activity

—nature and extent of involvement in professional and academic organizations

—experience and professional promise

–teaching experience

–visibility and impact within the field

The appraisal of qualifications is a process of making professional academic judgments about the quality of one's credentials, scholarship and research activity; about the merit of one's achievements and potential; and about the promise for future professional growth and contributions to the field. These judgments are made by experienced and tenured faculty members and academic administrators.

10. Of the six assistant professors in FBS in July, 1984 (the time of plaintiff's hiring), Dr. Bright was the highest paid. The salaries and highest academic degree of the Assistant Professors in FBS as of July 1, 1984 were as follows:

$25,217 – J.D.
$25,515 – LL.M.
$28,255 – Ph.D.
$28,345 – M.B.A.
$28,794 – M.B.A.
$30,140 – Ph.D. (Plaintiff).

In this regard, it should also be recognized that in the FBS, a Ph.D. is not the terminal degree for various specialties. Depending on one's field, an M.B.A., a J.D., LL.M. or a Certified Public Accountant license may be appropriate.

/s/ Walter K. Gordon
WALTER K. GORDON

Sworn and subscribed to
before me this 16th day
of February, 1990.

/s/ Marc E. Alterman
Marc E. Alterman
An Attorney at Law
of the State of New Jersey

ATTACHMENTS TO AFFIDAVIT
OF WALTER GORDON
INTENTIONALLY OMITTED,
EXCEPT FOR EXHIBIT E

Dr. Walter K. Gordon
Dean
Office of the Provost
Rutgers—the State Univ.
Camden, NJ 08102

6-13-1984

Dear Dean Gordon,

Thank you for your letter of May 25, 1984 and for the accompanying employment contract.

I have signed the contract, accepting my appointment.

The signed contract and other forms for the personnel files are enclosed herewith.

Thanking you.

Sincerely yours,

/s/ Jay B. Bright

APPENDIX N

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action No. 88-4115 (SSB)

JAY B. BRIGHT, Ph.D.,

Plaintiff,

vs.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY, et al,

Defendants

Wednesday – July 12, 1989

Oral sworn deposition of Dr. Jay B. Bright, Ph.D., taken in the law offices of ARCHER & GREINER, ESQUIRES, One Centennial Square, Haddonfield, New Jersey, before Teresa Ann Iannaco, Certified Shorthand Reporter and Notary Public of the State of New Jersey, on the above date, commencing at 10:17 a.m., there being present:

APPEARANCES:

VOGEL, CHAIT, SCHWARTZ & COLLINS, ESQUIRES
BY: MARC E. ALTERMAN, ESQUIRE
Attorneys for Rutgers, The State University

REINHARDT & SCHACHTER, ESQUIRES
BY: DENISE REINHARDT, ESQUIRE
Attorneys for Rutgers' Chapter of AAUP

ALSO PRESENT:

BARBARA A. McMANUS, Paralegal

* * *

[62] A. I was born in 1932, sir. December 29, 1932.

Q. And where were you born, sir?

[63] A. Objection, again. Irrelevant.

Q Sir, you have based your complaint in some manner on your allegation that you're being discriminated against because of foreign birth. I can't think of anything more relevant than an answer to the question of where you were born, so please answer the question.

A. So as university's attorney, naturally, you wish to make this clear then. Yes, sir, I was born in the country of India.

Q. Where, specifically?

A. I was born in the province which is called Gujarat, G-U-J-A-R-A-T, Gujarat.

* * *

[64] A. My schooling was begun in the city of Bombay, sir.

Q. And what, what type of school did you attend initially in Bombay? Was it a public school?

A. All this is, of course, under objection, but I am responding anyhow. You understand that.

Q. Your objection is noted, sir.

A. Yes. Well, I suppose there is no harm in talking history, I suppose. I began schooling in the city of Bombay.

Do you want to know the name of the school?

Q. If you know. What I'd like to do, sir, so you understand what my purpose is, is develop for my own information, on behalf of the university, an understanding of your educational background and the [65] the history from, as I indicated, earliest days --

A. I see.

Q. – and I'm going to move forward. And, you know, I realize that you have advanced degrees. I will work up to those. But, in order to fully appreciate your background --

A. Yes, yes.

Q. --which reflects on your qualifications to be a professor at Rutgers or any other university, I think it's important that I appreciate the entire educational background.

A. Sure.

Q. It's, as I say, it's nothing out of the ordinary. I just need some framework.

A. Let's go ahead and ask me a somewhat narrow question now, please.

Q. Okay. I think I, I think I asked you -- you were telling me you began your schooling in Bombay.

A. City of Bombay.

Q. The city of Bombay.

A. It's, it's like New York, New York, you see? Because, in those days, not now, --

Q. Um-hum.

A. -- Bombay also was a state. Now they've changed the names.

[66] Q. I see. I, most candidly, –

A. That's the reason I keep saying city of Bombay.

Q. I understand. I appreciate that clarification. I must say that my knowledge of Indian geography would not win me any prizes.

A. Mine wouldn't either. I've been here for 30 or 31 years, so I don't know much about India now. I've forgotten most of it.

Q. I'm glad at least we would all enjoy a smile at least for a change. In any event, in the city of Bombay you

began your schooling.

I don't know what the ordinary course of education in the city of Bombay is. Were there public schools that you attended?

A. Well, I attended -- you see, what we call public schools here are not called public schools there. Here, by public schools we mean schools that are funded by municipalities and so forth, you see? In the British Commonwealth, it's the exact opposite meaning. Public schools there mean privately funded, private schools, so in that sense, I attended private schools.

Q. Which would the state-sponsored schools?

A. No, no, private schools.

Q. Oh, private school --

[67] A. Private schools.

Q. What we would consider private schools in the states?

A. In this country, yes.

Q. Okay. I see. And how long was your education at these private schools?

A. All the way up to high school and then into college.

Q. Okay. What year did you graduate from high school, sir?

A. 19 and, let me think. 1950, 1-9-5-0. All this is under objection, of course, but, you know, since you are curious. Not many people ask me about my childhood, so, go ahead.

* * *

[76] Q. And you came to America, when, sir?

[77] A. 1958.

Q. January --

A. Now, all this is under objection, is irrelevant.

Q. January or December or somewhere in between in 1958?

A. June, sir.

Q. Okay. And what did you do when you came to the states?

A. Irrelevant, sir.

Q. Please answer the question.

A. Sir, this is clearly beyond the scope of the issues.

Q. Sir, your experience bears directly on the issues in this case. It's critical for me to know what your background is. Among your allegations are that the university paid you an inadequate salary and discriminated against you based, I believe, on your foreign birth and your color. In order to determine the reasonablness of the university's action, it's essential that I be aware of your entire background. That's what I'm asking you for.

You came to the states in you June, 1958. I'd like to know, first of all, where you moved to in the states?

[78] A. Sir, may I correct you on one thing, sir?

Q. You can make a statement, sir.

A. What complaints I have against the university are in the complaint itself. What you represented them -- your representations of the complaint vary from the complaint, sir.

Q. The complaint will speak for itself, Dr. Bright, and we'll get to that, I have no doubt, at some point. Nevertheless, I'd like you to answer my question. Where did you come to when you came to the United States in 1958?

A. Under objection, I can answer it.

Q. Your objection's noted.

A. I went to a college, a private college in San Francisco.

Q. What college was that?

A. It is called, was called the Heald, H-E-A-L-D, College of Engineering.

Q. And what did you study at that college?

A. Engineering.

Q. Any specialty in engineering or --

A. I think I had planned to major in electrical engineering.

Q. And how long did you study at Heald College?

A. About a year, one year.

[79] Q. Would that be the academic year 1958-'59?

A. I believe so, yes.

Q. Did you receive a degree upon completion of your studies at Heald College?

A. No, sir, I did not.

Q. And you left there then in June of 1959; would that be correct?

A. That is correct.

* * *

[103] A. Let me think now. I think I then wanted to go back to school and apply to a number of universities and one of the universities who not only accepted my application but also promised some assistance was the University of Houston, in Texas.

Q. What, what program did you apply to?

A. In the college of business. They had a master's degree program, economics and management.

Q. Previously, Dr. Bright, you told me that your studies had been in the field of science.

A. Sciences, that's right.

Q. Okay. Had you ever taken any business courses prior to your application to the University of Houston in approximately 1960?

A. Oh, no. As a matter of fact, before 1960, I [104] had never taken any courses in business anywhere. But, my working in the industry told me that, to be in a management position, it was essential to get schooling in busi-

ness administration or business management. This is, this is the reason I decided to go into management schooling.

Q. And you applied and were accepted to the University of Houston then?

A. That is correct.

Q. And when did you matriculate with the University of Houston?

A. I got my master's degree in 1962.

Q. I didn't ask you when you received your degree, sir, I asked you when you matriculated there. When did you begin attending classes there at the university of Houston?

A. Oh, 1960 -- oh, wait a minute. '61, I think. At least '61, I believe. Probably so. Yeah, 1961.

Q. So you were out of work then for some time between being laid off at Raytheon and matriculating at the University of Houston?

A. That is – that may be. I don't recall, but that's possible.

Q. Well, did you have a family at that time, sir?

A. Oh, no.

[105] Q. No?

A. No, no, no, no.

Q. Were you collecting unemployment compensation or anything of that nature during that period of time?

A. I don't believe so, no.

Q. You began attending the University of Houston in early 1961?

A. Yeah.

Q. And you were taking business courses?

A. Courses in economics, in agricultural economics, in farm management, behavioral sciences, including sociology I think and so forth. They have a well-rounded curriculum. Most universities do, you see, but my master's thesis was in management.

Q. We'll get to that in a minute. Did you take a full load of courses?

A. Oh, absolutely.

Q. Were you working at all during that period apart from your studies? Did you have a, other part-time employment?

A. Yeah, I had departmental -- you see this was promised by them -- departmental part-time employment.

Q. When you say departmental part-time employment, what do you mean? What do you mean?

A. Doing work in the department, clerical work, [106] you know, statistical, helping the professors with their statistics' research. Clerical work, mostly.

Q. Did it entail any teaching?

A. Oh, no, it was more of a, what is known as research assistant, not teaching assistant.

Q. And you were paid for this work?

A. Yes, I was.

Q. And that was more or less I take it in the form of a stipend?

A. Stipend is the right word.

Q. I see. Was that the extent of the financial aid which you received from the University of Houston?

A. Yes, that's right.

Q. Did you pay tuition to the --

A. Full tuition.

Q. Okay. Just so I understand, then, you were a full paying student?

A. Yes.

Q. But you received --

A. Somewhat work.

(Interruption by court reporter.)

BY MR. ALTERMAN:

Q. Dr. Bright, the court reporter has I guess admonished both of us to try to talk one at a time. Please let

me try to complete my questions. Again, [107] I'm just trying to understand what you're telling me having not experienced it myself. I have to ask you specifically what went on in order to understand it. What I was saying, I think, was that my understanding is that you paid tuition, full, the tuition as an ordinary student but you did receive some aid in a sense that you had a job and received the stipend for performing some clerical work as a research assistant?

A. I think what you described is, conveys the meaning, yes.

Q. Okay. Good. Thank you. And you did that beginning in early 1961. I take it that would be with, the equivalent of the spring semester in 1961?

A. Possibly, quite possibly.

Q. Did you attend school that summer?

A. Yes, I did.

Q. So you were continuing full time?

A. Yes, all the way up to getting my master's degree.

Q. Okay. And when did you receive your master's degree?

A. Let me --

MR. ALTERMAN: Dr. Bright, feel free to change your audio tape again.

MR. ALTERMAN: We're back recording, Dr. [108] Bright?

THE WITNESS: Yes, sir.

MR. ALTERMAN: Okay. Good.

BY MR. ALTERMAN:

Q. I do not remember whether there was a question pending. If there was, I'll withdraw it. And I think you were telling me you received your master's degree in 1962 from the University of Houston?

A. August of 1962.

Q. Okay. You told me a little bit, sir, that you took courses in economics, agricultural economics, foreign management and behavioral sciences. Were there any other particular areas that you studied in prior to receiving your master's in 1962?

A. Well, let me think now. You know, it's going back so many years. There was a course in marketing, as I recall. There was a course in statistics. My thesis was in management of agricultural cooperatives. I may have taken a course in labor economics; that's right, I did, a course in economic development. It was a fairly well-rounded curriculum.

* * *

[118] Q. Okay. You went down to Houston in '65 or early '66 to begin further studies?

A. That is correct.

Q. Did you have a scholarship there?

A. No, not at that time, no, sir.

Q. Okay. You were then a full tuition student again at the University of Houston?

A. I had saved up money just for that purpose, you [119] see.

* * *

[132] Q. Okay. And you had then completed the requirements for the Ph.D. at the University of Houston?

A. When you finish the thesis and when you defend it.

Q. The dissertation?

A. The dissertation. And when the advisers, there are four of them, when they sign it, then you have a degree in hand. The actual confirmment takes place at [133] the time of commencement.

Q. And the commencement was in August 1969?

A. That's right, yes.

* * *

A. I had a job offer from the university system of Georgia in Columbus, Georgia, so in September of '69, I accepted, went, joined the college in Columbus, Georgia.

Q. Was that a minority college?

A. Oh, no, it was a white college.

Q. It was a part of the University of Georgia?

A. Yes, university system of Georgia.

Q. I see. And what was your rank?

A. Assistant professor in the college of business. The -- it was a division of business, not a college of business.

Q. And what was your salary when you began there?

A. You realize all this is under objection anyhow.

Q. That's fine.

A. As I recall, it was 13 thousand dollars for nine months. In those days, you could buy a house for 14 thousand, by the way, in those days, you know.

* * *

[135] Q. Were you doing any independent research during that period of time?

A. Well, I was working on a revision of my dissertation to publish it as a book.

Q. I'm sorry.

A. A revision.

Q. A revision?

A. Yes. I did the -- by the way, it was published as a book.

Q. We'll get to that in a minute. Your primary independent work was to work on a revision of your dissertation during that period of time?

[136] A. Well, not during that period but it was one of the things I did.

Q. Okay. What other independent work did you undertake while you were teach --

A. Well, --

Q. -- while you were teaching at the University of Georgia?

A. I was, in those days, thinking back, I was interested in economic theory, you know, especially microeconomic theory, and I researched in that. Columbus College had a very small library, so we were somewhat limited in that.

Q. Did you prepare any papers during that period of time while you were an assistant professor --

A. Yes, sir.

Q. -- at the University of Georgia?

A. Yes, I did.

Q. How many papers?

A. I think I presented maybe four, maybe four papers.

Q. Were those papers published then?

A. Well, if they were published, it would be in the journals of the associations.

* * *

[150] Q. And you've never bothered to find out?

A. No, I haven't, really.

Q. Apart from that publication, did you publish any other material while you were an assistant professor at the university system of Georgia at Columbus?

A. I can't think of any right now. There was, I started work on a second book on Environmental Economics.

Q. I'm sorry, what economics?

A. Environmental.

Q. Environmental?

A. Economics.

Q. That was other independent research you did while --

A. Yes.

Q. – at Columbus College?

A. Yes, that's right. But it was not finished, the book was never finished.

Q. Did you conduct any other academic research during that period of time?

A. Apart from what I said, I can't think of any other.

[151] Q. Were you a member of any professional associations during that period of time?

A. Well, yes, the American Economic Association, the Southwestern Economic Association, the Academy Of Management, the American Institute For Decision Sciences, Atlantic Economic Association. These are some that I can think of.

Q. Did you hold any offices in any of the professional associations of which you were a member?

A. Well, if by office you mean chairing a session or program coordination, I did that once for the Southwestern Economic Association.

Q. Tell me what you did.

A. Essentially, it had to do with screening papers for presentation and recommending them to the session, or, rather, the program chairman.

Q. Are there any other activity of that sort for any of the other professional organizations?

A. Oh, yes, indeed, indeed. I was a founding member of the American Institute For Decision Science.

Q. And what is the American Institute For Decision Sciences?

A. Okay. Now it is called the Decision Sciences Institute. You see, they changed it because the [152] letters A-I-D-S now have a different connotation, so --

Q. Fair enough.

A. -- so they, as soon as the New England Medical Journal popularized A.I.D.S., these people got together and changed the name to -- D.S.I., Decision Sciences Institute. What they do, they promote a quantity to management techniques in universities, you see.

Q. How many members does that association have now?

A. I would say not less than two or three thousand. Maybe more.

Q. How many did it have -- strike that?

A. When?

Q. How many, quote, "founding members", end quote, were there?

A. The founding members would be a hundred or so.

Q. Did you carry out any administrative function with respect to that organization?

A. Well, during the initial stages, promotional material, explaining the institute, you know, helping with mailing out things, mailing out literature. This was, I think, in 1970, '71, something like that.

Q. At Columbus College, with respect to the [153] college, did you perform any administrative functions in your department?

A. No, I never did.

Q. I don't think I asked you, Dr. Bright, who was the dean at the school that you were at at Columbus College?

A. Columbus College?

Q. Yes.

A. Well, we did not have a dean. It was a division, so we had a division chairman.

Q. Okay. Who was the division chairman?

A. A gentleman by the name of Voinich, V-O-I-N-I-C-H.

Q. Do you know Professor Voinich's whereabouts today?

A. I'm quite sure he's either retired or otherwise inactive because even in those days he was a very old man.

Q. I see. How many faculty members were there in your division?

A. Okay. I have to think back now.

Q. Approximately.

A. Let's see. I'd say about 14, 15.

Q. Were any of those, other than yourself, minority members?

[154] A. I was the only one. I was the only minority.

Q. Were there any women in that group?

A. Yes, there was a lady. She used to teach shorthand and typing, of all things, to evening students, you know. She was a leftover from very old days when a doctorate was not necessary. She was the only one who didn't have a doctorate, I think, and she was left over. She was, I think, involved in teaching shorthand and typing to ladies in the evening who were working in the industry. She wasn't on the faculty but they kept her on because she was, she had tenure and so forth, so . . .

Q. Was – strike that. At Columbus College, was it primarily an evening school?

A. Oh, no, no, no, no, no. They had very few evening classes, as a matter of fact. It was a regular day college.

THE WITNESS: Please note that Mr. Alterman is conferring with his associate.

BY MR. ALTERMAN:

Q. Did you have an office at Columbus College, Dr. Bright?

A. Yes.

Q. And why don't you describe to me the office facilities that you enjoyed.

[155] A. It was comparable with offices provided to others. Same size, same location. There was no discrimination involved.

Q. With respect to the others in the department, you said there were approximately 14. How many of them were at your rank and how many were above or below you, roughly?

A. Well, I think there were two associate professors, one full and the rest were assistant professors or below. It was a young department, so to speak.

Q. Let's talk about your salary history there, Dr. Bright. I think you told me before that your initial salary there was $13 thousand, I think, for a nine-month period, although --

A. Nine month, yes.

Q. Okay. Did it increase over time?

A. It increased every year.

Q. Could you tell me, if you recall, the increments for each year leading up to what your concluding salary was there?

A. I do recall that they were what the State of Georgia approved for state colleges. It was never less.

Q. That's not what I asked you, Dr. Bright. I [156] asked you --

A. Percentage?

Q. -- if you could give me either percentage, or, more useful to me would be if you remember the salary. Now, you said you started at 13,000 for a nine-month period. How much did you make in the next nine-month period?

A. Oh, that, I don't recall. But at the end, it was toward 15 thousand.

Q. So between 1969 and 1975, your salary increased from 13,000 to $15 thousand per nine-month period?

A. It was '69 to '74, as I recall. You see, it makes four years -- five years that way. '69-'70, '70-'71, '71-'72, so it will go up to '74.

Q. Your last academic year at Columbus College then was 1973-'74?

A. Wait a minute. It may have been '74-'75.

Q. So you may have been there for six years then?

A. No, five years. If -- I had -- I was counting. I think

it was five years. What does it come to? I have to, I have to put it down on paper.

Q. If you began, if you began in the fall of 1969 --

A. Right.

Q. -- and I think you testified that that was the [157] case, --

A. Yes.

Q. -- five academic years would bring you through to June of 1974.

A. '74?

Q. That's correct.

A. Yeah, that's what it is.

Q. That would be five academic years.

A. That's right. That's what I told you.

Q. Okay. So from 1969 'til June of 1974, your salary increased from 13,000 to --

A. About 15 thousand, which is what the state approved. You see, in those days, as I -- we talked earlier, you could buy a house for 13, $14 thousand, and Lester Maddox, M-A-D-D-O-X of the X Hall of Fame, you recall? If you don't -- he thought that college teachers did not deserve any raises.

Q. What were the circumstances of your leaving Columbus College?

A. Okay. They had failed to promote me while promoting those who got their Ph.D. after joining Columbus College. Therefore, I had filed a complaint against them with the EEOC, Equal Employment Opportunity Commission, and, therefore, they did not renew my contract.

[158] Q. Let's go back. Were you up for promotion at any time during your, during the period you were at Columbus College?

A. Yes, I was up for promotion in my second year. I went to the dean. I told the dean I have this letter from

Louisiana Technical University offering me an associate professorship. I had that in hand. I had said either let me go or give me a promotion and raise. He said, Jay, we'll give you a promotion and raise, so I did not go to Louisiana. These people never gave me a raise or a promotion. It was then that I went to the EEOC.

Q. What year did you go to the EEOC?

A. Well, I, I think it would be probably in '73, as I recall. I'm not sure. '73, more than likely.

Q. And did you file a formal charge with the EEOC?

A. Yes. I had to go to Atlanta, you see, to do that, and I did that.

Q. And, again, what was the substance of your allegations?

A. Failure to give me a promotion.

Q. What type of discrimination did you allege, if any?

A. Based on foreign birth, race, color.

Q. Was there an investigation conducted by the [159] EEOC, to your knowledge?

A. If there was, I do not know of it.

Q. What was the disposition of that charge?

A. The disposition was that I withdrew my complaint in 19 and '76.

Q. Why did you withdraw the complaint?

A. I withdrew it because, number one, I had left Georgia and I was unable to find a job without a recommendation from Columbus College, so the same dean who did not let me go to Louisiana, who did not promote me, he told me on the phone that he will definitely put in a good recommendation if I withdraw the complaint. So, again, I took him at his word, and, again, he did not put in a good recommendation, so I wound up withdrawing the complaint and did not find -- did not get the job that I had applied for.

Q. Was that Professor Voinich that you're referring to?

A. No, I was, I was thinking of Anderson, John Anderson. Voinich I think was not the dean at that time. So, anyhow, I knew that John Anderson was not to be trusted. I knew that, but with the remote hope that he will keep his word this time, I took a chance, and I was mistaken.

Q. Let's go back to Columbus College. 1974. You, [160] your contract was not renewed for the '74-'75 academic year?

A. I think for the '75-'76 it was not renewed, you know, for the following year. '74-'75 would be the last year, I think. So, for the following year it was not renewed.

Q. Well, there's a little bit of a discrepancy, Dr. Bright, because you said you were there for five years, which you --

A. As I recall. Either four or five. I'm not sure. It might be five I'm inclined to think.

Q. If you said you were there until the end of the academic year of 1975 --

A. '74.

Q. Right.

A. End of the year, academic year '74.

Q. Right. So your contract was not renewed then for the '74-'75 year? Let me ask you this? The nine-month period covered by these contracts was ordinarily September to June?

A. September to June, yes. So in June of '75, I was out. That's, that's what it amounts to.

Q. Dr. Bright, I'm having difficulty because -- I'm not trying to be -- strike that. I'm having difficulty because you said you began at Columbus [161] College

in the fall of '69 with a contract for the academic year '69-'70. You said you were there for five years, that you taught there for five years.

A. That's my recollection.

Q. Right. Which would bring us through to the conclusion of the academic year 1973-1974.

A. No, it would not, sir. If you count again.

Q. All right. I will count it. I will count it and you tell me whether I'm right or wrong. '69-'70 is one; '70-'71 is two; '71-'72 is three; '72-'73 is four; and '73-'74 is five. So five years would conclude in June, 1974. I ask you again, were you -- did you teach there -- try to do it this way: Did you teach there in 1974-'75 academic year?

A. Well, I was there for five years, as I recall, and if the five years concluded in '74, then maybe not.

* * *

[163] Q. Did you send out resumes?

A. Many of them.

Q. Hundreds?

A. Possibly.

Q. One hundred?

A. More like three or four hundred.

Q. Did you receive any interviews from anyone?

A. Well, to my amazement, I did not get a single [164] interview until August of '74 from a college which was about sixty or seventy miles from Columbus College; Montgomery, Alabama.

APPENDIX O

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action No. 88-4115 (SSB)

JAY B. BRIGHT, Ph.D.,

Plaintiff,

vs.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY, et al.,

Defendants.

Monday – July 24, 1989

Oral sworn deposition of Dr. Jay B. Bright, Ph.D., taken in the law offices of ARCHER & GREINER, ESQUIRES, One Centennial Square, Haddonfield, New Jersey, before Teresa Ann Iannaco, Certified Shorthand Reporter and Notary Public of the State of New Jersey, on the above date, commencing at 10:24 a.m., there being present:

APPEARANCES:

VOGEL, CHAIT, SCHWARTZ & COLLINS, ESQUIRES
BY: MARC E. ALTERMAN, ESQUIRE
Attorneys for Rutgers, The State University

JOHN B. WOLF, ESQUIRE

* * *

[23] Q. When did you leave employment there then?

A. Well, I was fired from there. My contract was not renewed I think beginning the end of the summer of '75, as I recall, going back 15 years.

* * *

[25] Q. Incidentally, did you ever file any charges of discrimination against the Alabama State University?

A. Yes, I did.

Q. Whom did you file those charges with?

A. With the EEOC, the Equal Employment Opportunity Commission.

Q. Okay. And do you know approximately when those charges were filed?

A. The charges were filed sometime in the spring of 1975, as I recall.

Q. Was it before or after you were advised of your nonrenewal?

A. I'm not sure.

Q. Was the – strike that. What was the substance of your charges against Alabama State University?

[26] A. I'm not sure, but I imagine it would be – come to think of it, it may have been office assignment and salary discrepancy because while I was there, I think they hired non-Ph.D.s, who were white, at a salary higher than mine, and as regards office assignment, I do know that I was the only associate professor with no individual office, and I think there were six people in the room where I had my desk. That was supposed to be my office assignment. So these two certainly would be issues. I don't recall the details.

Q. Did you claim that Alabama State University discriminated against you at the time they hired you?

A. I may have claimed it, I'm not sure.

Q. Did you claim that they – strike that. Did you claim that you were terminated as a result of discrimination by the Alabama State University or others connected with that institution?

A. I don't know, sir. I'm not sure.

Q. Well, do you think now that you were discriminated against when you were discharged by the Alabama State University?

A. I, I believe so, yes.

Q. Okay. And what was the basis of that discrimination?

[27] A. Office assignment.

Q. Let me, let me – I understand your office assignment and salary. What I'm trying to get at: You claim you were discriminated against on account of race?

A. Race and country of birth, foreign birth, you know, and being a minority person in the sense that I was not U.S. born.

Please do not communicate with Mr. Wolf unless you want to record the conversation.

Q. Dr. Bright, Mr. Wolf is here as my client today, representing the university. I can communicate with him on or off the record to my heart's delight, and I intend to exercise that privilege, and, again, sir, if you wish to make a todo out of this, I'm happy to call the magistrate right now, but I have every right to communicate with him in any way I so desire and I will continue to do that.

A. Well, may I request that you record all communication, in full, with the court reporter, please.

Q. You can request that, sir. I'm telling you right now, I may or may not honor your request.

A. I would request that you do so, please.

Q. I understand your request. What was – [28] strike that. Do you know whether the EEOC conducted

an investigation of your charges against Alabama State University?

A. I don't know.

Q. Were you ever advised of the disposition by the EEOC of –

A. Let me change the tape here one moment.

Could you please repeat the question, sir?

Q. Sure. Well, I don't recall exactly what the question is, I think, but I'll ask you this one: Do you – are you aware of whether or not there was a disposition by the EEOC of your charges against the Alabama State University?

A. Yeah. That was the question you just asked before, –

Q. Okay.

A. – you see. I wasn't sure, but, thinking back, a few days ago I was thinking about this matter, and it seems to me that about a year, about a year after I left Montgomery, or perhaps even after that, I received disposition that the, the EEOC had found for the university.

Q. Did you ever receive a copy of a written decision or any other notification from the EEOC to that effect?

[29] A. Yes, I – it was – I just – it just came to me a few days ago, thinking about this matter, that it did.

Q. When you say it came to you, you don't mean the writing came to you –

A. No, no.

Q. You recalled it?

A. That's right. I remembered a few days ago that, yes, I did receive a notification.

Q. And that notification would have come sometime through 1976 you think?

A. In the latter part of '76, as I recall it.

* * *

[33] Q. How long were you unemployed in the states before you obtained employment in India?

A. I would say about a year and a half, that's my guess, maybe two years.

* * *

[35] Q. Approximately how many private corporations did you apply to in India?

A. Let me think. As I recall, only one, because I didn't know of – I have – I had no idea where to apply. The reason I applied to this company, it's called Swadeshi, S-W-A-D-E-S-H-I, Cotton, C-O-T-T-O-N, Textiles Mills, M-I-L-L-S, is that I knew the owners and the managers of this very large corporation.

Q. Where in India were they located?

A. They are located in a city called Kanpur, K-A-N-P-U-R.

Q. Apart from applying to all of the universities and to Swadeshi Cotton –

A. Textiles Mills.

Q. – Texttiles Mills, did you apply for any other employment in India at this time?

A. Not as I recall.

Q. When did you receive a job offer from Swadeshi?

A. I don't recall, sir. Sometime in 1976 would be a fair guess.

* * *

[42] Q. Do you know what month you left employment with Swadeshi?

A. I would think sometime in '77. I don't recall the month.

* * *

[43] Q. When you left Swadeshi in 1977 –

A. As I recall it.

Q. – what did you do then?

A. Well, I returned to the United States and went to California and obtained a part-time teaching position with the California State University at Los Angeles. It's called California State University at Los Angeles. This job I obtained as a result of floating my resume for full-time jobs all over that region, the west.

* * *

[48] Q. Did you leave there for some full-time employment?

A. No.

Q. You left there to be unemployed again?

A. Well, my wife and children were in India, still, –

Q. I see.

A. – and upon their insistance, I returned to India.

[49] Q. And when was that?

A. I think in the latter part of '77 or early '88 – '78, I mean, early '78.

* * *

[59] Q. Okay. Then you went back to India for a few months and then you came back to the United States?

A. Yeah. We went to Boston.

Q. Okay. Why did you pick Boston?

A. Well, because we thought – I thought that Senator Ted Kennedy would be a man who would be fair enough to correct the injustices to which I was being subjected.

Q. Had you ever communicated with Senator Kennedy before you moved to Boston?

A. I may have. I may have written to him.

[60] Q. Did you speak to anybody on his staff?

A. Yes, I did.

Q. Who did you speak to?

A. Well, this was the reason we went to Boston. I went to his office in Boston and spoke to, I don't recall the name, but I gave him, through that person, a petition regarding this matter. And that I told Senator Kennedy that it must be Columbus College who had maligned me sufficiently to the U.S. government so that I was unable to find employment anywhere. I think he did write back that he will do what he can.

Q. Did you hear anything further from Senator kennedy or anyone on his staff regarding the matter?

A. No, never did.

* * *

[61] Q. Did you apply for employment at that time?

A. Oh, yes.

Q. Okay. With whom did you apply to for employment?

A. All the colleges and universities in that area.

Q. By "that area", could you be more specific?

A. Well, the Massachusetts and vicinity area.

Q. Would it be fair to say New England, generally?

A. Generally, yes, sir.

Q. Okay. About how many places did you seek employment?

A. I sent out I think about two hundred, three hundred resumes.

Q. Were these all to colleges and universities?

A. Yes, they were. Yeah, including – I also sent out resumes to economic research operations.

* * *

[71] Q. What position did they offer you?

A. An associate professor of management.

Q. And what was your salary?

A. I recall it was – let me think now. I think it was 16, 16 thousand for nine months.

* * *

[73] Q. Okay. And how long were you associated with American International College?

A. Two years.

* * *

[78] Q. You began teaching there I think you said in the fall of '78; correct?

A. Right.

Q. All right. And you said you were there for two [79] years?

A. Oh, wait a minute. I'm sorry.

Q. So you would have left –

A. It would be, it would be August of 1980, 1980. I stand corrected. 1980.

Q. That's what I thought and that's why I pursued that.

A. Yeah, 1980 is correct, yes.

Q. Okay. Was your contract not renewed?

A. That is true.

* * *

[80] Q. And you said you started applying for positions again in approximately the spring of 1980?

A. Yeah.

Q. Where did you apply?

A. I applied, I think, you know, in the vicinity of Massachusetts.

Q. Same general area you had two years before?

A. Well, yeah, northeast I would say, generally.

Q. Okay. And did you also apply to private industry at that point as well?

A. Oh, no, no. My first love is academia, you see.

Q. I understand. So you simply applied again to colleges and universities?

A. That's right.

Q. Okay. And did you receive any positive [81] responses from those applications?

A. Yes, I got a call from a university in Erie, Pennsylvania. That's E-R-I-E.

Q. What university was that?

A. It's called Gannon, G-A-N-N-O-N, Gannon University.

Q. You received a telephone call from them?

A. Yeah, I got a call from the dean.

Q. When did you get a call from the dean?

A. I imagine for sometime in June, was it, or May or June of 1980.

Q. Did that telephone call result in an interview?

A. Yes, it did.

Q. And you traveled to Erie, Pennsylvania, for this interview?

A. Um-hum, yes.

Q. When did you go to Erie for this purpose?

A. Probably in June or July.

Q. Of 1980?

A. Yes.

Q. Were you teaching during the summer of 1980?

A. I don't recall, but probably not.

Q. When you went out to Gannon for an interview, whom did you meet with?

A. I met with the dean of the college of business.

[82] Q. What was his name?

A. Under objection, I can divulge names.

Q. Note your objection. What's his name?

A. Dr. Volpe. V-O-L-P-E.

Q. To your knowledge, is Dr. Volpe still associated with Gannon University?

A. I don't know any different.

Q. Did you meet with anybody else at Gannon University at that time?

A. Yes, the whole faculty of business.

Q. How many people was that?

A. At that time I think – I should say, oh, about 12

people. They all interviewed me. You know, they actually used a fairly large conference room and we all talked and they had me teach a lecture in statistics. They told me to assume they were students, which I did.

Q. Okay. Did your – strike that. Did your interview at Gannon University then last an entire day?

A. Oh, yes. Well, two days, as a matter of fact.

Q. Two days. That was going to be my next question. The interview which was a process took two days?

A. Two.

[83] Q. You have to keep your responses audible, Dr. Bright, –

A. Two, two days.

Q. – so the court reporter –

And after the two days of interviews, did they offer you a position?

A. Yes, they did.

Q. Did they do that at the end of the second day?

A. No, no. Well, verbally, yes.

Q. What do you mean when you say verbally?

A. Yeah, the dean told me that I would be hired as an associate professor.

Q. At what salary?

A. He said the salary he will decide and let me know.

Q. And how did you leave it with him that day?

A. Well, I told him what I was making at American International College and I told him it would have to be more, and he said it would be, it would be more.

Q. At that point, how much were you making at American International?

A. I should think in the neighborhood of 17 thousand.

Q. 17?

A. Yeah.

[84] Q. Okay. And did he then – "he" being, I guess this was Dean Volpe?

A. Yeah.

Q. He got back in touch with you at some point?

A. Yeah. He called me.

Q. How much later?

A. I think it was two days later.

Q. And what did he tell you?

A. He told me that he had taken care of all the formalities and that the only question was of salary and what was the least that I would take.

Q. And what did you tell him?

A. I told him that I would take the most that he could give me.

Q. And –

A. And he said that he could offer no more than 19 thousand, well, for academic year, and I said, well, okay, I'll take it.

Q. And then you were to begin teaching at Gannon in the fall?

A. Fall of 1980, that's right.

* * *

[92] Q. Did you seek a promotion from Gannon University?

A. Well, you see, Dr. Volpe, himself, told me that they will make me a professor, full professor and chairman of the department.

Q. And chairman of the department?

A. Yes.

* * *

[93] Q. And you apparently did not receive the rank of full professor or an appointment as chairman of the department.

A. No, I did not.

Q. Okay. Did Dr. Volpe tell you why that didn't happen?

A. Yes, he did.

Q. What did he tell you?

A. About three months after that, sometime, you know, around November, I suppose, of '81, he told me that a former employee, a lady, had just finished her Ph.D. and wanted to come back, and that if she came back, I would, I would have to be relieved.

[94] Q. By "relieved", he meant what?

A. My contract would not be renewed.

Q. What was that professor's name?

A. I don't know, but it was a young lady who was a Gannon graduate and who had finished her Ph.D. and wanted to come back – wanted to, rather, join Gannon faculty. She used to be a student, I think.

* * *

[99] A. I floated a resume all over the country this time.

Q. When you say all over the country, that would be to approximately five hundred or so colleges and universities?

A. I would say at least three or four hundred, [100] yes.

* * *

[110] Q. Did you ultimately – were you ultimately hired at Saurashtra University?

A. Yes.

Q. What position were you hired in?

A. I was hired as a full professor of economics and director of the postgraduate program in business management.

* * *

[113] Q. *** again, how long a period of time were you employed at Saurashtra University?

A. One year.

Q. From what month of what year to what month of what year?

A. April of 1983 to April of 1984.

[125] Q. When did you arrive in the Philadelphia area?

A. May of 1984.

Q. Did you contact Dr. Weissenberg at that time?

A. Yes, I did.

Q. Did you telephone him?

A. I may – I'm sure I did –

Q. Okay.

A. – because he's just across the river.

Q. Did you write to him as well or did you try to renew the contact or –

A. No, I called him up and I said that, Dr. Weissenberg, I am here and I'm looking for a position, [126] and he called back and said that I should come by for a check.

Q. And did you do that?

A. Yes.

Q. When did you do that?

A. I think that would be – I'm trying to narrow down the time period now. That would have to be sometime in the latter part of May, I think.

Q. Late May of 1984?

A. Yeah.

Q. Okay. You met with Dr. Weissenberg. Was anyone else with you when you met with him?

A. Oh, yes, Milton Leontiades. The second name is L-E-O-N-T-I-A-D-E-S. That's one word, Leontiades, and Professor Kenis, K-E-N-I-S, and a lady by the name of

Miss Fisher, and who else was there? I'm trying to think now.

* * *

[128] Q. Did you discuss salary with him at that point?

A. Yes, we discussed salary and I said, Peter, what do you think is reasonable, and he said he could offer me 30. I said, Peter, you offered me 32 back in '81 and after that I was a full professor, I was a director. Now you are saying 30. He said take it or leave it. And I said the going rate is in the upper 40s and he said, Jay, take it or leave it. He – in all fairness to me, and although I like Peter, I think Peter and Milton Leontiades – Milton Leontiades is a full professor of management, although like me he's an economics Ph.D., and like me, he has been teaching management – they both had entered into a conspiracy.

[129] Q. What do you base that accusation on?

A. I'm coming to that, Mr. Alterman. I'll tell you more about it. The plot was that I would be hired – Peter had told me a few things. I'll tell you in a minute. I would be hired and I would be let go and I would then be a colored face or a minority for three or four years. In the meantime, they would probably catch another minority man as a window dressing. This is the sort of a plot that I think he and Milton Leontiades were hatching.

Q. What do you base that belief on?

A. Okay. I base that belief on this: I told Peter, on the way when he took me back, that, Peter, I should like to buy a house, and what area would he recommend. Now, I didn't know anything about the geography of New Jersey, nor Philadelphia, really, and he said that there was no need for me to buy a house, nor for me to

call my family, you know. He said that there was no big rush, and he was dissuading me from settling down, which confirmed my belief. I knew that he was offering me a salary which was ten, maybe $15 thousand below any person coming from a full professor's position would expect.

* * *

[132] Q. Have you – did you at the time form a belief as to why he couldn't offer you more than $30 thousand per year?

A. My, my impression was that as Weissenberg saw it, I was going to be in the revolving door, so to speak, window dressing for two or three years, you know.

[133] Q. Did you form this belief at the time?

A. Yes, I did.

* * *

[145] A. You see, I was in a position where I had no job before I took the Rutgers' job. The hiring season was way behind me. There was no cash flow. I was surviving on my savings, and, knowing Peter, from what little I knew of him at that time; number one, he was a likable man; number two, he was being blatantly discriminatory; number three, hoping that there would be wiser men than him, and having an optomistic attitude toward life, I decided to go with Rutgers.

* * *

APPENDIX P

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action Docket # 88 4115 SSB

JAY B. BRIGHT, Ph.D.

plaintiff

v.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY, *et al.*,

defendants

PLAINTIFF'S AFFIDAVIT SEEKING A RULE 56(f) CONTINUANCE OF THE UNIVERSITY'S SUMMARY JUDGMENT MOTION

Plaintiff's affidavit seeking a Rule 56(f) continuance of the University's summary judgment motion

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Lindsey v. Board of Education and/or this court's interest in justice require that full, good-faith and per-rules discovery **precede** the court's deliberation on said motion, para 7

1.0 *Rule 56(f) Invoked*: The plaintiff prays that continuance on the University' said motion be granted pending reasonable, per-rules, and good-faith discovery pursuant to plaintiff's pending motions to compel discovery. SEE HERE DSI #s 169, 167, 159, 156, 141, and 102 for an outline of the problem. The plaintiff cannot, pending his motions to compel discovery, present "facts essential to justify . . . opposition" to the University's said motion; and prays that the court **"refuse the application for judgment or . . . order a continuance to permit . . . discovery to be had"** – SEE F.R.Civ.P., Rule 56(f).

2.0 *Plaintiff's motions to compel discovery are still pending* see here Docket Sheet Item nos. (DSI #s) 169, 167, 159, 156, 141, and 102, et al.

3.0 *The court's need as well for all the facts to meaningfully decide any motion for summary judgment is crucial.* The University has resorted to deceit and fraud in making any facts available to the court as well. SEE HERE among others, DSI #s 169, 167, 159, 156, 148, 120, 117, and 107.

4.0 *Events during two years immediately preceding the Complaint are equally crucial*, should this court hold valid the *Cito v. Bridgewater* decision although **the plaintiff contends that the Cito decision is irrelevant, immaterial, and imcompetent.** HERE,

(i) (a) Complaint Exhibits 16a through 24b, and (b) Complaint paras 8, 9, and 10 are equally crucial to claims under 42 USC 1981, 1983, 1985 and 1986, among other; and

(ii) Good-faith, per-rules and per case-law answers by the University to plaintiff's interrogatories are absent, denying the plaintiff crucial facts, and preventing the plaintiff from preparing a meaningful opposition to said motion. SEE HERE DSI #s 169, 167, 159, 156, 148, 141, 120, 117, 107, 102, and 98.

5.0 *To meaningfully controvert the brief and the affidavits accompanying said motion, plaintiff must first have good-faith, per-rules and full discovery from all listed defendants*, and plaintiff's motions to compel discovery from (i) the University, (ii) the Union, and (iii) United States and New Jersey are still pending before this court. SEE HERE DSI #s 169, 167, 159, 156, 141, 140, 120, 117, 107, 102, and 98. IN THE COMPLAINT, paragraphs 8, 9, and 10 among others refer to events involving, among others, (a) the University, (b) the Union, and (c) United States and New Jersey. THE EXECUTIONS OF THE AFFIDAVITS OF THE TWO UNIVERSITY OFFICIALS are objected to. SEE Exhibits 1 and 2, **attached.** Exhibit 1 has neither a signatuare nor a date nor any notarization; Exhibit 2 is not executed before a notary public (but before an attorney who does not disclose when and if he was admitted to what bar.) The plaintiff objects to any execution not before a notary public.

6.0 *To meaningfully provide rebuttals to the University's said motion, the plaintiff will also, and equally importantly, require access to documentation on plaintiff with the listed defendants F.B.I., I.N.S. and the New Jersey Division of State Police.* SE HERE DSI #s 169,

167, 141, 102, and 98, among others. And this discovery is also incomplete and pending.

7.0 *Lindsey v. Board of Education and/or this court's interest in justice require the court to put the horse before the cart: and order full, good-faith and per-rules discovery* per DSI #s 169, 167, 159, 156, 141 and 102, among others. A succinct write-up on said case law is in **Exhibit 3**, attached. With or without the invokation of said case law, this court's interest in justice requires that full discovery precede any meaningful opposition to said motion by the plaintiff and any deliberation by the court on any motion for a summary judgment which is by definition an extremely abrupt motion.

ATTACHMENTS: Exhibits 1, 2, and 3.

NO SEPARATE BRIEF SUBMITTED as none deemed necessary.

CERTIFICATE OF SERVICE: I have mailed today copies of this document to all counsel by first class mail postage prepaid.

March 2, 1990 /s/ Jay B. Bright, Ph.D.
plaintiff – *Pro se*

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 2nd DAY OF Mar. 1990
/s/ Nancie S. Schaefer
NANCIE S. SCHAEFER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires March 2, 1994

APPENDIX Q

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CIVIL ACTION NO. 88-4115 (SSB)

JAY B. BRIGHT,

Plaintiff,

v.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY, *et al.*,

Defendants.

OPINION

APPEARANCES:

JAY B. BRIGHT
212-B Hillcrest Avenue
Collingswood, New Jersey 08108
Plaintiff *pro se*

MARC E. ALTERMAN, Esquire
Vogel, Chait, Schwartz & Collins
Maple Avenue at Miller Road
Morristown, New Jersey 07960
Attorney for Rutgers,
The State University

DENISE REINHARDT, Esquire
Reinhardt & Schachter

744 Broad Street
Newark, New Jersey 07102
Attorney for Rutgers Council
of AAUP Chapters

BROTMAN, District Judge,

Presently before the court are the motions for summary judgment by defendants, Rutgers, The State University, and Rutgers Council of AAUP Chapters. Plaintiff's complaint alleges discrimination and violations of his civil rights while employed as an Assistant Professor of Finance at Rutgers University. Plaintiff seeks monetary damages, as well as reinstatement by Rutgers as a full professor and as director of the Graduate Business Program. For the reasons stated below, the court hereby grants the motions for summary judgment of defendants Rutgers, The State University and Rutgers Council of AAUP Chapters.

I. FACTS AND PROCEDURE

On September 21, 1988, plaintiff filed a complaint naming as defendants, Rutgers, The State University ("Rutgers"); Rutgers Council of AAUP Chapters, the faculty union at Rutgers ("AAUP"); the Federal Bureau of Investigation; the New Jersey Division of State Police and the Immigration and Naturalization Service. Although not entirely clear on its face, the complaint appears to allege violations of plaintiff's civil rights under 42 U.S.C. § 1981 (equal rights under the law); § 1983 (civil action for deprivation of rights); § 1985(2) (conspiracy to interfere with civil rights); § 1986 (action for neglect to prevent violation of civil rights); § 2000e-2(a) (unlawful employment practices) and § 2000e-3(a) (other unlawful employment practices).

Jay Bright is a naturalized citizen of the United States and of Indian origin. After earning his Ph.D. degree from the University of Houston in Texas in 1969, he spent several years working as a professor, in both the United States and India.

The specific allegations set forth by Bright concern the period from July 1, 1984 to June 30, 1988, during which plaintiff was employed by Rutgers as an Assistant Professor of Finance at the Camden Campus. In the complaint, it is not clear what type of discrimination plaintiff alleges. Plaintiff's discrimination claim is based on his view that at his time of hire in 1984, (1) his academic rank of Assistant Professor was an inappropriate "entry level" position; (2) his starting salary of $30,140 per year was $8,000-$10,000 below any others in his department and (3) his office assignment was on a separate floor from the offices of all the Ph.D.'s in his department. Plaintiff further alleges that the University administration subjected him to a "systematic conspiracy and campaign to malign, defame and discredit him" and a conspiracy to abridge his civil rights.

Plaintiff also alleges that the AAUP knowingly presented his discrimination claims to the administration late, resulting in the claims being rejected as untimely filed. He also claims that the matter was put before an unqualified arbitrator, the New Jersey Board of Mediation, as it allegedly hears complaints against "private" employers and therefore should not have heard a complaint against Rutgers, a state institution. Moreover, plaintiff claims that Rutgers colluded with the AAUP, the Federal Bureau of Investigation ("FBI"), the Immigration and Naturalization Service ("INS"), the U.S. Department of Education, other state and federal agencies and community organizations, to interfere with his civil rights.

As a result of these alleged activities, Bright claims his career and community standing have suffered irreparable harm; that he has been defamed, maligned, ostracized and humiliated, and that he has been blocked from suitable employment. He also claims pain and suffering. As relief, plaintiff seeks to be reinstated by Rutgers University as a full professor and as director of the Graduate Business Program, as well as compensation for damages.

On March 22, 1989, an order was filed dismissing plaintiff's complaint against the New Jersey Division of State Police. On April 5, 1989, the complaint against the FBI and the INS were dismissed for lack of subject matter jurisdiction. Thereafter, plaintiff filed various motions with the court seeking additional discovery, which were temporarily stayed in an order dated December 13, 1989.

The AAUP and Rutgers have both filed separate motions for summary judgment. Plaintiff responded in opposition to the AAUP's motion for summary judgment by arguing that it was untimely filed.[1] He has also requested

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[1] In opposition to the AAUP motion, plaintiff refers to an order dated October 20, 1989 which set the deadline for defendant to file summary judgment, "fourteen (14) days after the date on which plaintiff's deposition transcripts are either corrected and certified by plaintiff or deemed final by operation of the rules of procedure and orders of this court."

Plaintiff then notes that an order dated September 21, 1989 instructed plaintiff to review, sign or make any desired changes in the deposition transcripts within a certain period of days, otherwise they would be deemed usable as though fully signed. Plaintiff petitioned and was granted a stay of this order pending appeal on October 13, 1989. This order stated that if affirmed on appeal, plaintiff would have ten (10) days from the date of affirmance in which to review the transcripts. In an order filed October 30, 1989, the order was affirmed.

[footnote continued]

a continuance pursuant to Fed.R.Civ.P 56(f), to obtain further discovery.[2] However, based on the facts presented in this case, the court finds plaintiff's position to be without merit.

II. DISCUSSION

The standard for granting summary judgment is a stringent one. Fed.R.Civ.P. 56(c) provides that summary judgment may be granted only when the materials of record "show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." *Hersh v. Allen Products Co., Inc.*, 789 F.2d 230, 232 (3d Cir 1986); *Lang v. New York Life Insurance Co.*, 721 F.2d 118 (3d Cir. 1983). The threshold inquiry is whether there are "any genuine factual issues that properly can be resolved only by a finder of fact because they may reasonably be resolved in favor of either party." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250 (1986).

On December 1, 1989, the defendant filed its motion for summary judgment, which according to plaintiff's timetable, should have been filed by November 23, 1989. Plaintiff however, has failed to show any prejudice due to this short delay, and in light of the fact that plaintiff caused the delay by his own persistent refusal to review the transcripts, this court hereby grants the defendant, AAUP, leave to file its summary judgment motion late.

[2]Plaintiff relies on vague assertions regarding the nature of the facts to be discovered in his requests. Defendants have already responded to and substantially complied with, plaintiff's request for answers to interrogatories and production of documents. Despite all of the information with which he has been presented, plaintiff fails to state what any further discovery might disclose, or what facts he is seeking, or how they would overcome defendants motions for summary judgment. Plaintiff relies only on broad conclusory allegations, and for this reason, the court must deny plaintiff's outstanding discovery motions and application for continuance.

Once the moving party has carried its burden of establishing the absence of a genuine issue of material fact, "its opponent must do more than simply show that there is some metaphysical doubt as to the material facts." *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986). Thus, if the movant's evidence is merely "colorable" or is "not significantly probative," the court may grant summary judgment. *Anderson*, 477 U.S. at 249-50. Moreover, the Supreme Court has held that:

> [T]he plain language of Rule 56(c) mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial. In such a situation, there can be "no genuine issue as to any material fact," since a complete failure of proof concerning an essential element of the nonmoving party's case necessarily renders all other facts immaterial.

Celotex Corp. v. Catrett, 477 U.S. 317, 322-323 (1986).

A. *Statute of Limitations*

Based on the facts presented in this case, both Rutgers and the AAUP argue that summary judgment must be granted due to the expiration of the applicable statute of limitations under the §§ 1981, 1983, 1985, 1986, 1988 and Title VII claims.

For claims brought pursuant to 42 U.S.C. § 1988, the federal courts must refer to state statutes of limitations when federal law provides no rule of decision in cases under §§ 1981, 1985 and 1986. *Board of Regents v.*

Tomaino, 446 U.S. 478, 484 (1980); *Robertson v. Wegmann*, 436 U.S. 584, 590 (1978). In § 1983 actions, the Supreme Court has held that the applicable limitations period is the same as the limitations period for a personal injury claim in the state where the alleged wrong occurred. *Owens v. Okure*, 488 U.S. 235 (1989); *Goodman v. Lukens Steel*, 482 U.S. 656 (1987); *Wilson v. Garcia*, 471 U.S. 261 (1985). In New Jersey, the two year personal injury statute of limitations provided in N.J.S.A. 2A:14-2 has been held applicable to § § 1981, 1983 and 1985 actions. *Cito v. Bridgewater Township Police Department*, 892 F.2d 23 (3d Cir. 1989). With respect to claims under § 1986, the statute itself provides that "no action under provision of this section shall be sustained which is not commenced within one year after the cause of action has accrued."

1. *Claims Against Rutgers, The State University*

In assessing the timeliness of plaintiff's claims, it is important to determine when the limitations period began to run. The basis of plaintiff's complaint against Rutgers involving his assigned rank, salary and office assignment occurred in July, 1984 when Bright was hired. Moreover, at his deposition, plaintiff expressly stated that he believed, *even at the time he was hired* that Rutgers was discriminating against him. Bright testified that he accepted the position believing that he could convince others at the University to remedy the discrimination. Based on plaintiff's own admissions, this court finds that the cause of action accrued, and the limitations period began to run in July, 1984 when he was assigned his position, rank, salary and had received his office assignment. More importantly, by July, 1984, plaintiff had formed the belief in his own mind that he was being discriminated against. As the statute of limitations for

actions brought pursuant to §§ 1981, 1983 and 1985 is two years, and the statute of limitations for actions under § 1986 is one year, and this action was not initiated until September, 1988, plaintiff's claims under these statutes are barred by the applicable statute of limitations.

Plaintiff also alleges violations of Title VII in his complaint. Specifically, he refers to 42 U.S.C. §§ 2000e-2(a) and 2000e-3(a). Under these section, the filing of a timely charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") is required before an action may be maintained. *Alexander v. Gardner-Denver Co.*, 415 U.S. 36, 47 (1974); *McDonnell Douglas v. Green*, 411 U.S. 792, 798 (1973).

The time in which a party must file a charge of discrimination with the EEOC is set forth in § 2000e-5(e), which states that "[a] charge under this section shall be filed within one hundred eighty days after the alleged unlawful employment practice occurred. . ." With respect to plaintiff's claims based on his academic rank, salary and office assignment, plaintiff has failed to meet this requirement. Plaintiff's first charge of discrimination was filed with the EEOC on November 17, 1985. As discussed above, Bright's own deposition testimony establishes that he believed he was being discriminated against by the University when he was hired in July, 1984, and all of the alleged discriminatory conduct was complete at the time he received has assigned rank, salary and office assignment. Therefore, the actions complained of occurred well before the 180-days preceding the filing of discrimination on November 17, 1985. This court finds that plaintiff's claims based on Title VII are also time barred.

2. *Claims Against Rutgers Council of AAUP Chapters*

As examined, the applicable statute of limitations is two years for plaintiff's claims based on § § 1981, 1983 and 1985 and one year for his § 1986 claims. In his complaint, Bright alleges that the AAUP was negligent in presenting his employment grievances in an untimely manner to the administration.

Plaintiff initially contacted the AAUP with his problems early in 1985, although he never characterized them as "discrimination" until October, 1985. In May and June of 1986, plaintiff advised the AAUP that its actions in failing to represent him with respect to his salary and rank claims had harmed him. In June, 1986, after his grievance had been deemed untimely by the University, he threatened to sue the AAUP for its actions and demanded damages. The Complaint in this action was not filed until September 21, 1988, more than two years after plaintiff had explicitly accused the AAUP of the very misconduct charged in the Complaint.

Under Title VII, plaintiff is required to file a charge with the EEOC before proceeding with an action. In this case, Bright never filed an EEOC charge against the AAUP. Normally, the failure to file and EEOC claim against a party would bar plaintiff's claim, however, in his deposition, plaintiff stated that he did not file a charge against the AAUP because he believed that the University administration and the union worked "in tandem" and the union had no separate existence without the University. Even assuming that the University and the AAUP did work in tandem, and that the court could treat plaintiff's claim against Rutgers as a claim against the AAUP, as discussed above, plaintiff filed his EEOC charges against Rutgers after the statute of limitations expired. Hence, plaintiff's Title VII claims against the AAUP are time barred.

As all of plaintiff's claims are time barred, the court does not need to address defendant's other arguments for summary judgment.

III. CONCLUSION

For the above stated reasons, the court hereby grants the motions for summary judgment in favor of defendants, Rutgers, The State University and Rutgers Council of AAUP Chapters.

An appropriate order will be entered.

/s/ Stanley S. Brotman

STANLEY S. BROTMAN
UNITED STATES DISTRICT JUDGE

DATED: February 15, 1991

APPENDIX R

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CIVIL ACTION NO. 88-4115 (SSB)

JAY B. BRIGHT,

Plaintiff,

v.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY *et al.*,

Defendants.

ORDER

This matter having come before the court on motion of defendants, Rutgers, The State University and Rutgers Council of AAUP Chapters;

The Court having considered the submissions of the parties, and;

For the reasons stated in the Court's opinion filed this date;

IT IS on this 1st day of February 1991, hereby

ORDERED that defendants' motions for summary judgment are **GRANTED** and all claims against defendants are **DISMISSED WITH PREJUDICE.**

No Costs.

/s/ Stanley S. Brotman

STANLEY S. BROTMAN
UNITED STATES DISTRICT JUDGE

APPENDIX S

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CIVIL ACTION NO. 88-4115 (SSB)

JAY B. BRIGHT,

Plaintiff,

v.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY, *et al.*,

Defendants.

OPINION

APPEARANCES:

JAY B. BRIGHT
212-B Hillcrest Avenue
Collingswood, New Jersey 08108
Plaintiff *pro se*

MARC E. ALTERMAN, Esquire
Vogel, Chait, Schwartz & Collins
Maple Avenue at Miller Road
Morristown, New Jersey 07960
Attorney for Rutgers,
The State University

DENISE REINHARDT, Esquire
Reinhardt & Schachter

744 Broad Street
Newark, New Jersey 07102
Attorney for Rutgers Council
of AAUP Chapters

BROTMAN, District Judge.

Plaintiff moves for reconsideration of the February 15, 1991 order granting summary judgment in favor of defendants, Rutgers, The State University and Rutgers Council of AAUP Chapters. Plaintiff urges the court to vacate that order. Plaintiff also moves for the court to waive the costs of transcription of the February 16, 1990 hearing on the summary judgment motions. For the reasons stated below, plaintiff's motions are denied.

I. FACTS AND PROCEDURE

Plaintiff initially brought his claim against defendants, Rutgers, The State University and Rutgers Council of AAUP Chapters pursuant to 42 U.S.C. § 1988, alleging discrimination and violations of his civil rights while employed as an Assistant Professor of Finance at Rutgers University. Due to the expiration of the applicable statutes of limitations on plaintiff's claims, the court granted summary judgment in favor of defendants in an order and opinion dated February 15, 1991. Plaintiff now seeks vacatur of this decision based on a claim of judicial misconduct. His claim seems to be that the court entered summary judgment in favor of defendants when it learned of his complaint to the Third Circuit Judicial Council against the court. Plaintiff has also requested that the court waive all fees and provide him with a transcript of his February 16, 1990 hearing.

II. DISCUSSION

As a preliminary matter, the court must determine whether it should grant plaintiff's application to waive the cost of transcription of the February 16, 1990 hearing. There is no general entitlement to free transcripts in civil cases and a decision to authorize a litigant to obtain a transcript a public expense rests within the sound discretion of the court. A. Lite, *New Jersey Federal Practice Rules* (1991 ed). at 180 (Comment 2 to General Rule 41). At this juncture, the court finds neither a factual nor legal basis for granting plaintiff's request and therefore the court must deny plaintiff's application.

The court now must turn to plaintiff's motion for reconsideration. General Rule 12I provides that a motion for reconsideration shall be served with a "memorandum setting forth concisely the matters or controlling decisions which counsel believes the Court has overlooked." The only proper ground for granting a motion for reconsideration, therefore, is that the matters or decisions overlooked, if considered by the court, "might reasonably have altered the result reached. . . ." *New York Guardian Mortgage Corp. v. Cleland*, 473 F.Supp. 409, 420 (S.D.N.Y. 1979); *U.S. v. International Business Machines Corp.*, 79 F.R.D. 412, 414 (S.D.N.Y. 1978).

Plaintiff seems to contend that the court granted summary judgment to defendants as plaintiff filed a complaint of judicial misconduct against this court. While the court was not aware of plaintiff's claim of judicial misconduct at the time the order granting summary judgment was issued, the court's decision was based on the finding that plaintiff failed to file his claims in a timely manner pursuant to statutory requirements. Plaintiff's claims were, therefore, time barred. Plaintiff's motion

fails to set forth matters which would have altered the result reached as his complaint of judicial misconduct had no affect on that decision. As a result, the court will not vacate its earlier decision.

III. CONCLUSION

For the above stated reasons, the court hereby denies plaintiff's motion for reconsideration and his motion to waive the transcript costs of his February 16, 1990 hearing.

An appropriate order will be entered.

/s/ Stanley S. Brotman

STANLEY S. BROTMAN
UNITED STATES DISTRICT JUDGE

DATED: April 2, 1991

APPENDIX T

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CIVIL ACTION NO. 88-4115 (SSB)

JAY B. BRIGHT,

Plaintiff,

v.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY *et al.*,

Defendants.

ORDER

This matter having come before the court on the motions of plaintiff, Jay B. Bright, to waive the costs of transcription of the February 16, 1990 hearing and to reconsider the court's February 15, 1991 order granting summary judgment to defendants;

The Court having considered the submissions of the parties, and;

For the reasons stated in the Court's opinion filed this date;

IT IS on this 2nd day of April, 1991, hereby

ORDERED that plaintiff's motion to waive the cost of transcription is **DENIED**; and

FURTHER ORDERED that plaintiff's motion for reconsideration is **DENIED**.

No Costs.

/s/ Stanley S. Brotman

STANLEY S. BROTMAN
UNITED STATES DISTRICT JUDGE

APPENDIX U

DSI# 195

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CIVIL ACTION NO. 88-4115 (SSB)

DR. JAY B. BRIGHT,

Plaintiff,

v.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY *et al.*,
Defendants.

ORDER

This matter having come before the court on the motion of plaintiff, Dr. Jay B. Bright, for the court to reconsider its April 2, 1991 opinion and order denying plaintiff's previous motion to reconsider the entry of summary judgment in favor of defendants, and upon plaintiff's second motion to waive the costs of transcription of the February 16, 1990 hearing previously denied in the court's April 2, 1991 opinion and order;

Having considered the submissions of the plaintiff;

The second motion to reconsider the entry of summary judgment in favor of defendants being based on the identical argument as the initial motion, namely that the court entered summary judgment in favor of the defendants when it learned of plaintiff's complaint of judicial misconduct against it;

The court having already indicated in its April 2, 1991 opinion that summary judgment was granted in favor of defendants due to the court's finding that plaintiff's claim was untimely, not because of any complaint of judicial misconduct against it;

No new matters having been raised by plaintiff's second motion to reconsider the entry of summary judgment as required by General Rule 12I;

Plaintiff also having brought a second motion to waive the cost of transcription of the February 16, 1990 hearing before this court;

Plaintiff having contended that the purchase of the transcript "would be rough on [his] budget" and that he "could conceivably purchase the said transcript and [his] family could do with less of other things; [he has] never claimed to have reached destitution" (Plaintiff's Most Urgent Petition Regarding the Mandatory Transcript Purchase Order . . . at 1, 2); and

The court finding that such reasons do not constitute good cause to provide plaintiff with a free transcript at public expense as plaintiff had not indicated that he cannot pay for the February 16, 1990 transcript;

IT IS on this 20th day of May, 1991, hereby

ORDERED that plaintiff's second motion to reconsider the entry of summary judgment in favor of defendants is DENIED; and

FURTHER ORDERED that plaintiff's second motion to waive the costs of transcription of the February 16, 1990 hearing is DENIED.

No Costs.

/s/ Stanley S. Brotman

STANLEY S. BROTMAN
UNITED STATES DISTRICT JUDGE

APPENDIX V

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 91-5353
November 26, 1991

JAY B. BRIGHT, Appellant

v.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY; et al.
(N.J. (Camden) D.C. Civil No. 88-04115)

Present: SLOVITER, *Chief Circuit Judge.*

1. Motion by Appellant pro se dated November 19, 1991 in which He requests, *inter alia*:

a) Review of the Clerk's Orders by a Single Judge

b) Denial of the Filing of Appellees' Briefs

c) A Ruling that the Filing of Appellant's Reply Briefs is moot

d) That the Clerk's Willful Distortion of the Matter before the Court be referred to the Attorney General of the United States and the appropriate committee of the U.S. Congress for their pursual [sic]

e) That the Chief Judge appoint a special panel of Circuit Judges, drawn from a different jurisdiction, to hear the Merits of the appeal

f) That the Court appoint a special Circuit Judge to oversee the procedures in this case,

Copy of Clerk's 11/26/91 order referring Appellant's 11/19/91 Motion to a single judge as a Motion to Review the Clerk's 3 orders dated 11/15/91 **and** for consideration of additional relief requested by Appellant,

Copy of Clerk's 3 orders dated 11/15/91,

2. Motion by Appellees, FBI and INS for permission to file supplemental appendix
3. Motion by Appellant to deny appellee, U.S. filing its answering brief **and** answer opposing U.S.'s motion to file supplemental appendix **and** Letter-Response by Appellees FBI and INS to appellant's motion to deny filing of appellees' brief
4. Motion by Appellee Rutgers University for permission to file supplemental appendix **and** Appellant's answer to Appellee Rutgers' Motion to file supplementary appendix
5. Motion by Appellant to deny appellee, Rutgers filing its answering brief in violation of Rules
6. Motion by Appellee, Rutgers Council for leave to file overlength brief of 59 pages and to include appendix
7. Motion by Appellant to strike brief and supplemental appendix of Appellee Rutgers
8. Motion by Appellant to 1) to deny filing of brief of appellee New Jersey Div. of State Police, in violation of the rules, *and* 2) to extend time to file reply brief until 14 days after final ruling on appellant's motions
9. Copy of this Court's Docket Entries

/s/ Rita Golden

Deputy Clerk 597-5019

ORDER

Each of the orders filed by the Clerk on November 15, 1991 in the above matter granting the motions of the appellees to file supplemental appendices is hereby reviewed and affirmed. Similarly, the order of the Clerk designated Order No. 3 requiring the Rutgers Council of AAUP Chapters to file and serve a corrected brief within ten days is reviewed and affirmed.

The orders of the Clerk referring to the merits panel the issue of the timeliness of the filing of appellees' briefs are reviewed and the reference to the merits panel is hereby reaffirmed. Appellant remains subject to the Clerk's order with respect to the time for filing a reply brief. All of the remaining motions by appellant are hereby denied.

By the Court,

/s/ Sloviter
Chief Judge

Dated: Dec 05 1991

APPENDIX W

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 91-5353

JAY B. BRIGHT

Appellant

v.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY:
RUTGERS COUNCIL OF AAUP CHAPTERS;
FEDERAL BUREAU OF INVESTIGATION,
U.S. DEPT. OF JUSTICE;
IMMIGRATION AND NATURALIZATION
SERVICE, U.S. DEPT. OF JUSTICE;
NEW JERSEY DIVISION OF STATE POLICE

Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil No. 88-04115)
District Judge: Stanley S. Brotman

Submitted Under Third Circuit Rule 12(6)
March 6, 1992
Before: STAPLETON and MANSMANN,
Circuit judges and POLLAK, *District Judge*.*

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*Honorable Louis H. Pollak of the United States District Court for the Eastern District of Pennsylvania, sitting by designation.

JUDGMENT ORDER

After consideration of all contentions raised by the appellant, it is

ADJUDGED AND ORDERED that the judgment of the district court be and is hereby affirmed.

Costs taxed against the appellant.

BY THE COURT,

/s/ Carol Los Mansmann
Circuit Judge

Attest:

/s/ Sally Mrvos, Clerk
Sally Mrvos, Clerk

MAR 16 1992

APPENDIX X

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 91-5353

JAY B. BRIGHT

Appellant

vs.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY; et al.

SUR PETITION FOR REHEARING

Present: SLOVITER, *Chief Judge*,
BECKER, STAPLETON, MANSMANN, GREENBERG,
HUTCHINSON, SCIRICA, COWEN, NYGAARD and
ROTH, *Circuit Judges*, and POLLAK, *District Judge*.*

The petition for rehearing filed by appellant in the above entitled case having been submitted to the judges who participated in the decision of this court and to all other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court in banc, the petition for rehearing is denied.

BY THE COURT,

/s/ Carol Los Mansmann
Circuit Judge

Dated: April 15, 1992

*District Judge Pollak voted only as to panel rehearing.

CHARGE OF DISCRIMINATION

EEOC 031860632

Name: Dr. Jay Bright, 212 Hillcrest Avenue, Apt. B, Collingswood, New Jersey 08108

Named is the employer who discriminated against me: Rutgers University, Camden, New Jersey 08102

Cause of discrimination based on: National Origin—Indian (East), Retaliation

Date most recent or continuing discrimination took place: 12/84 and cont.

The particulars are:

I. I was hired as an Assistant Professor in July 1984, in the Business Studies Department. The Departmental Chairman, Peter Weissenberg, told me that he will pay me an Associate Professor's salary ($30,000 per year). I agreed to this and signed a contract. In December 1984, I discovered that I am being paid less than the average Associate Professor. My pay was never adjusted and I informed Dr. Gordon (Provost) about my problem. No action was taken. On June 26, 1985, I had a meeting with Dr. Weissenberg and Dr. Gordon (my attorney at that time was present) and informed them that I believe that I am being discriminated against because of my national origin. Since that time, I have been subjected to differential treatment in the form of harassment.

II. Respondent gave me no reason for the harassment. Dr. Weissenberg's reason for the pay discrepancy was that Respondent negotiate salaries and rank on an individual basis.

III. I believe that I am being discriminated against because of my national origin Indian, and retaliated against for opposing what I perceive to be discriminatory treatment because of my national origin, in that:

a. I am the only Indian in my department and the only minority with a doctorate.

b. In December 1984, I discovered I was being paid less than the average Associate Professor's salary (approximately 43,000) and even paid less than some of the Assistant Professors. I approached Dr. Weissenberg about the discrepancy; he agreed to raise my salary by $8,000 but later denied my raise in April 1985.

c. After I complained to Dr. Gordon about the discrepancy because of my national origin, I began to experience harassment from Respondent in the form of differential treatment.

d. Respondent has denied me adequate office facilities for my books, given me less travel money than my colleagues, denied extra summer work for 1986 (my colleagues have been given two courses to teach in the summer, I am to receive only one), and more difficult work schedules. My co-workers are not subjected to this.

e. I have been informed on July 8, 1985, by Dr. Peter Weissenberg, that I will be reviewed for contract renewal this year and possibly dismissed. Employees with a three year contract, such as I have, are reviewed in their third year, not second. I believe Respondent is retaliating against me further, in the form of harassment, by reviewing me early in my second year in order to terminate my employment with Respondent.

I declare under penalty of perjury that the foregoing is true and correct.

11-14-1985
Date

/s/ Dr. Jay Bright
Charging Party

CHARGE OF DISCRIMINATION

EEOC 031862289

Name: Mr. Jay B. Bright, 212 Hillcrest Avenue, #8, Collingswood, NJ 08108

Named is the employer who discriminated against me: Rutgers University, Camden, NJ 08102

Cause of discrimination based on: Retaliation

Date most recent or continuing discrimination took place: December 1, 1985 & continuing

The particulars are:

I. I am employed by Respondent as an Assistant Professor of Finance. Since around December 1, 1985, I have been subjected to various forms of harassment and intimidation.

II. Until March 20, 1985, Respondent failed to acknowledge some of the harassment I was subjected to and made no attempt to correct the problem.

III. I believe that I have been discriminated against in retaliation for having previously filed a charge of discrimination for the following reasons:

a. On November 14, 1985, I filed a charge of discrimination with the Equal Employment Opportunity Commission, Charge Number 031860632. Said charge is pending investigation.

b. From December, 1985 until March 19, 1986 I was denied the request for installation of a Square Bolt Lock on my office door. The request was made because of frequent break-ins during my absence from the office.

On March 20, 1986, Respondent responded to my request for a Square Bolt Lock by installing such.

c. I was informed that I would not receive full reimbursement for academic travel. Respondent has failed to reimburse me for travel which occurred in October, 1985 and March, 1986. My PH.D colleagues are fully compensated for Academic Travel shortly after their return.

d. I contend that my in-coming telephone calls are being monitored. This became evident to me after having filed a charge of discrimination.

e. On May 5, 1986 Respondent rejected my request for adjustment in rank to the position of Associate Professor as opposed to promotion.

I declare under penalty of perjury that the foregoing is true and correct.

5-8-1986
Date

/s/ Jay B. Bright, Ph.D.
Charging Party

CHARGE OF DISCRIMINATION

EEOC 170871770

Name: Professor Jay B. Bright, 212 Hillcrest Avenue, #B, Collingswood, NJ 08108

Named is the employer who discriminated against me: Rutgers University, Camden, NJ 08102

Cause of discrimination based on: Retaliation

Date most recent or continuing discrimination took place: September 1, 1986 & Continuing

The particulars are:

I. I am employed by Respondent as an Assistant Professor of Finance. Since in or about December, 1985 I have been subjected to various forms of harassment and intimidation. Since September, 1986 the differential treatment in which I have been subjected to has become more intense and escalating in nature.

II. No reason has been given for the harassment, intimidation or differential treatment.

III. I believe that I have been discriminated against in retaliation for having previously filed charges of discrimination for the following reasons:

a. On November 14, 1985 I filed a charge of discrimination, alleging discrimination based on my national origin with the Equal Employment Opportunity Commission. Said charge number 031860632 is pending investigation.

b. On May 8, 1986 I filed another charge of discrimination with the Equal Employment Opportunity

Commission, alleging retaliation. Said charge number 031862289 is pending investigation.

c. Since filing my initial charge in November, 1985 it is my belief that Respondent continuously conspires with students, faculty and staff to destabilize my work; discredit and defame my character.

d. Although Professors are expected to use computers in their classrooms within the faculty of Business Studies Department, despite repeated requests I was not assigned a table top computer as was Instructor Rathinasamy who also teaches finance. Instructor Rathinasamy, a visiting instructor has not filed a charge of discrimination.

e. Even though it is not a practice or policy of Respondent to have administrators to sign the name of another employee, I discovered that on two occasions my name was signed on official documents without my knowledge or approval.

f. I was appointed a member of the MBA committee. On February 25, 1987 at a meeting of that committee I questioned the committee members on irregularities in the MBA program. On February 26, 1987, the committee was disbanded and a new MBA committee was created, excluding me as a member.

g. On March 3, 1987 the scheduling for the teaching load for the Fall of 1987 was distributed. It was noted that I was assigned a heavier load than any of my counterparts, except Professor Bettencourt. It is my belief that Professor Bettencourt's teaching load equals mine only to distract attention from the main issue, retaliation.

I declare under penalty of perjury that the foregoing is true and correct.

3-18-1987
Date

/s/ Dr. Jay Bright, Ph.D.
Charging Party

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
PHILADELPHIA DISTRICT OFFICE
1421 Cherry Street, 6th Floor
Philadelphia, Pennsylvania 19102

Charge Number 031860632

Dr. Jay Bright
212 Hillcrest Avenue, Apt. B
Collingswood, NJ 08108
CHARGING PARTY

v.

Rutgers University
Camden, NJ 08102

RESPONDENT

DETERMINATION

Under the authority vested in me by the Procedural Regulations of the Equal Employment Opportunity Commission (EEOC), I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII).

All requirements for coverage have been met. Charging Party alleged that he was discriminated against in violation of Title VII because of his national origin, Indian, and retaliated against for opposing what he alleges to be discriminatory treatment. He contends that he was being

paid less than the average Associate Professor and even less than some of the Assistant Professors; that he complained of the salary discrepancy and that Respondent subsequently treated him differently by harassing him, denying him adequate office space and furniture, less travel funds and extra summer work during 1986. Charging Party alleges further harrassment in that Respondent informed him that his contract would be reviewed for renewal in the second year of his three (3) year contract and that he would possibly be dismissed.

Evidence obtained by the Commission indicates Charging Party is the only Indian in the Faculty of Business Studies (FBS). Charging Party negotiated and signed a contract accepting respondent's offer of a three (3) year appointment as an Assistant Professor in the Faculty of Business Studies at a salary of $30,140 (range 26 step 21) as of July 1, 1984 pursuant to the collectively negotiated agreement between Respondent and Respondent's Council of American Association of University Professors (AAUP) Chapters. Charging Party and the Associate Dean of the Faculty of Business Studies held discussions and/or negotiations concerning employment at Respondent's facility during the early months of 1984 and an appointment letter (contract) was executed by the Charging Party and returned to Respondent by letter dated June 13, 1984 accepting all terms and conditions.

The available funding for the line to which Charging Party was appointed was $27,084. The Associate Dean sought and received from the campus provost an additional sum of $3,093 to bring Charging Party's salary to $30,177. This amount corresponded to the salary sought by Charging Party in his March 23, 1984 letter to the Associate Dean in which he stated ". . . I have in mind a figure in the low 30's . . .".

No evidence was found to substantiate the allegation that the negotiated contract and the appointment of Charging Party was discriminatory.

The evidence of record shows that the assignment of offices and office furniture was made on the basis of availability of office space and furniture at time of appointment. However, an effort was made, where possible, to place individuals with the same area of expertise in the same vicinity. The only office available when Charging Party was hired was on the fifth floor. Additionally, the only other specialist in finance, who also has a Ph.D. is located on the fifth floor. There are other faculty members with a Ph.D. located on the fifth floor.

Faculty members were reimbursed for travel in accordance with Respondent's travel reimbursement policy which established criteria for full or partial reimbursement. A review of Respondent's records did not substantiate Charging Party's claim of disparity in the allocation of travel funds. Charging Party's allegation that he was denied summer work for 1986 and received a more difficult work schedule than his colleagues could not be substantiated. Charging Party requested the Associate Dean to initiate reappointment/promotion review on his behalf in his second year; but, the Appointment and Promotions Committee recommended no personnel action be taken until the third year of his three (3) year appointment.

Based on this analysis, I have determined that the evidence obtained during the investigation does not establish a violation of the statute.

This determination does not conclude the processing of this charge. If the Charging Party wishes to have this determination reviewed, he may file a request for review

by completing the enclosed Request for Review form and sending it to the Determinations Review Program, Office of Program Operations, EEOC, 2401 E. Street, N.W., Washington, D.C. 20507. It is recommended that some proof of mailing, such as a certified mail receipt, be secured. The request must be personally delivered or mailed (postmarked) on or before December 1, 1987.

If the Charging Party submits a timely request for review by the date shown above, the Commission will review this determination. Upon completion of the review, the Charging Party and Respondent will be issued a final determination which will contain the results of the review and what further action, if any, the Commission may take. The final determination will also give notice, as appropriate, of the Charging Party's right to sue.

If the Charging Party does not request a review of this determination by December 1, 1987, this determination will become final the following day, the processing of this charge will be complete, and the charge will be dismissed. (This letter will be the only notice of dismissal and the only notice of the Charging Party's right to sue which will be sent by the Commission.) FOLLOWING DISMISSAL, THE CHARGING PARTY MAY ONLY PURSUE THIS MATTER FURTHER BY FILING SUIT AGAINST THE RESPONDENT(S) NAMED IN THE CHARGE IN FEDERAL DISTRICT COURT WITHIN 90 DAYS OF THE EFFECTIVE DATE OF DISMISSAL. Therefore, in the event a request for review is not made, if a suit is not filed by March 1, 1988, the Charging Party's right to sue will be lost.

11/5/87
Date

/s/ Johnny J. Butler
Johnny J. Butler
District Director

Enclosures: (to Charging Party)
Request for Review Form
Information Sheet on Filing Suit in Federal Court

NOTICE TO ATTORNEYS: The Commission's regulations governing no cause determinations are printed in Title 29 Code of Federal Regulations, Section 1601.19

Date Mailed by EEOC November 17, 1987.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
PHILADELPHIA DISTRICT OFFICE
1421 Cherry Street, 6th Floor
Philadelphia, Pennsylvania 19102

Charge Number 031862289

Dr. Jay Bright
212 Hillcrest Avenue, Apt. B
Collingswood, NJ 08108
CHARGING PARTY

v.

Rutgers University
Camden, NJ 08102
RESPONDENT

DETERMINATION

Under the authority vested in me by the Procedural Regulations of the Equal Employment Opportunity Commission (EEOC), I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII).

All requirements for coverage have been met. Charging Party alleged that he was discriminated against in violation of Title VII in that he alleges he was retaliated against for having previously filed a charge of discrimination. Charging Party asserts that since the filing of his charge (031860632) on November 14, 1985, his request

for the installation of a Square Bolt Lock on his office door because of frequent break-ins has been denied; that he has not been fully reimbursed as his colleagues have been for academic travel; that his incoming telephone calls were monitored and on May 5, 1986, Respondent rejected his adjustment in rank to the position of Associate Professor.

Evidence obtained by the Commission reveals that Charging Party requested a second square bolt lock to be placed on his door by letters dated September 26, 1985, October 15, 1985 and November 6, 1985 due to complaints made by Charging Party of security breaches. Respondent's Associate Dean requested a university police investigation into the matter and noted on October 21, 1985 that no additional lock should be installed pending the police investigation. Accordingly, Respondent acted upon Charging Party's charges of security breaches prior to his filing of the first charge. The police department investigated the complaints and no evidence of criminality or misconduct was found.

The evidence also shows that Charging Party received reimbursement for academic travel in accordance with established criteria. Reimbursement for travel varies depending upon the nature and purpose of the travel, particular function attended and the location.

Charging Party's allegation that his incoming telephone calls were monitored could not be substantiated.

Charging Party's request for promotion from Assistant Professor to Associate Professor was received by the Associate Dean. The request was reviewed and evaluated by a committee of his peers who declined to take any action at that time.

Based on this analysis, I have determined that the evidence obtained during the investigation does not establish a violation of the statute.

This determination does not conclude the processing of this charge. If the Charging Party wishes to have this determination reviewed, he may file a request for review by completing the enclosed Request for Review form and sending it to the Determinations Review Program, Office of Program Operations, EEOC, 2401 E. Street, N.W., Washington, D.C. 20507. It is recommended that some proof of mailing, such as a certified mail receipt, be secured. The request must be personally delivered or mailed (postmarked) on or before December 1, 1987.

If the Charging Party submits a timely request for review by the date shown above, the Commission will review this determination. Upon completion of the review, the Charging Party and Respondent will be issued a final determination which will contain the results of the review and what further action, if any, the Commission may take. The final determination will also give notice, as appropriate, of the Charging Party's right to sue.

If the Charging Party does not request a review of this determination by December 1, 1987, this determination will become final the following day, the processing of this charge will be complete, and the charge will be dismissed. (This letter will be the only notice of dismissal and the only notice of the Charging Party's right to sue which will be sent by the Commission.) FOLLOWING DISMISSAL, THE CHARGING PARTY MAY ONLY PURSUE THIS MATTER FURTHER BY FILING SUIT AGAINST THE RESPONDENT(S) NAMED IN THE CHARGE IN FEDERAL DISTRICT COURT WITHIN 90 DAYS OF THE EFFECTIVE DATE OF DISMISSAL. Therefore, in the event a request for review is not made, if a suit is not

filed by March 1, 1988, the Charging Party's right to sue will be lost.

11/5/87
Date

/s/ Johnny J. Butler
Johnny J. Butler
District Director

Enclosures: (to Charging Party)
Request for Review Form
Information Sheet on Filing Suit in Federal Court

NOTICE TO ATTORNEYS: The Commission's regulations governing no cause determinations are printed in Title 29 Code of Federal Regulations, Section 1601.19

Date Mailed by EEOC November 17, 1987.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
PHILADELPHIA DISTRICT OFFICE
1421 Cherry Street, 10th Floor
Philadelphia, Pennsylvania 19102

Charge Number 170871770

Dr. Jay Bright
212 Hillcrest Avenue, Apt. B.
Collingswood, NJ 08108
CHARGING PARTY

v.

Rutgers University
Camden, NJ 08102
RESPONDENT

DETERMINATION

Under the authority vested in me by the Procedural Regulations of the Equal Employment Opportunity Commission (EEOC), I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII).

All requirements for coverage have been met. Charging Party alleged that he was discriminated against in violation of Title VII in that the Respondent retaliated against him for filing previous charges of discrimination (see charge number 031860632 and 031862289) in violation of Title VII of the Civil Rights Act of 1964, as amended.

Charging Party asserts that since filing the previous charges, Respondent has conspired with students, faculty and staff in destabilizing his work, discrediting and defaming his character, denying him a table top computer, signing his name on official documents without his knowledge or approval excluding him from the MBA Committee, and assigning him heavier workload than similarly situated faculty members.

Respondent states and the evidence of record shows that during July 1986, the newly appointed Dean of Faculty of Business Studies (FBS) initiated action to obtain computer equipment and software for FBS faculty members. The FBS faculty members, administrators and staff were solicited to describe their computer needs. The faculty was advised during January 1987 of the availability of a limited number of personal computers from the Continuing Business Studies Development (CBSD) to the FBS for use on a first-come, first-served basis provided they could be retrieved if needed. The Charging Party did not request use of one of these computers. Additionally, the records show that other computer equipment to upgrade the computer laboratory was ordered and received during February 1987. The old computers were made available to FBS and scheduled for installation during spring break (March 1987). The computer was not placed in Charging Party's office during spring break as the university did not have access to his office due to the installation of a second lock on his office door. Charging Party was advised that his computer would be installed as soon as he was available on campus.

Other evidence shows that Charging Party's name was signed on a drop course by the Director of Academic Advising in accordance with Respondent's policy. Re-

spondent does not know who falsely signed the Charging Party's name on the course Addition Form.

Respondent states and records show that on October 1986, the Charging Party was appointed a member of the MBA Review Committee because of his previous experience with a MBA Program. The records show that the appointment was made after the Charging Party had filed two (2) previous charges.

Subsequent to Charging Party's appointment, Respondent contends that Charging Party began diverting the Committee from its assigned duties and purpose, when he attempted to use it as a vehicle for redressing his differences and grievances with Respondent. Respondent admits that the Committee was subsequently disbanded and a Special MBA Review Committee established from which Charging Party was excluded.

The evidence of record fails to sustain Charging Party's retaliation allegations. Furthermore, Charging Party's remaining allegations, that he was assigned a heavier workload than his counterparts, that Respondent conspired with students, faculty, and staff to destabilize his work, and that Respondent discredited and defamed his character could not be substantiated.

Based on this analysis, I have determined that the evidence obtained during the investigation does not establish a violation of the statute.

This determination does not conclude the processing of this charge. If the Charging Party wishes to have this determination reviewed, he may file a request for review by completing the enclosed Request for Review form and sending it to the Determinations Review Program, Office of Program Operations, EEOC, 2401 E. Street, N.W., Washington, D.C. 20507. It is recommended that

some proof of mailing, such as a certified mail receipt, be secured. The request must be personally delivered or mailed (postmarked) on or before March 31, 1988.

If the Charging Party submits a timely request for review by the date shown above, the Commission will review this determination. Upon completion of the review, the Charging Party and Respondent will be issued a final determination which will contain the results of the review and what further action, if any, the Commission may take. The final determination will also give notice, as appropriate, of the Charging Party's right to sue.

If the Charging Party does not request a review of this determination by March 31, 1988, this determination will become final the following day, the processing of this charge will be complete, and the charge will be dismissed. (This letter will be the only notice of dismissal and the only notice of the Charging Party's right to sue which will be sent by the Commission.) FOLLOWING DISMISSAL, THE CHARGING PARTY MAY ONLY PURSUE THIS MATTER FURTHER BY FILING SUIT AGAINST THE RESPONDENT(S) NAMED IN THE CHARGE IN FEDERAL DISTRICT COURT WITHIN 90 DAYS OF THE EFFECTIVE DATE OF DISMISSAL. Therefore, in the event a request for review is not made, if a suit is not filed by June 30, 1988, the Charging Party's right to sue will be lost.

3/14/88
Date

/s/ Alfred Davis for
Johnny J. Butler
District Director

Enclosures: (to Charging Party)
Request for Review Form
Information Sheet on Filing Suit in Federal Court

NOTICE TO ATTORNEYS: The Commission's regulations governing no cause determinations are printed in Title 29 Code of Federal Regulations, Section 1601.19

DATE OF MAILING March 17, 1988

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Washington, D.C. 20507

Charge Number: 031862289

TO: Rutgers University
5th Street
Camden, NJ 08102

June 21, 1988

Jay B. Bright
Charging Party

Rutgers University
Respondent

DETERMINATION ON REVIEW AND DISMISSAL
OF TITLE VII CHARGE

The Commission has reviewed the investigation of this charge of employment discrimination and all supplemental information furnished. Based upon this review, we agree with the determination issued by our field office and hereby issue a final determination that the evidence obtained during the investigation does not establish a violation of the statute. Therefore, the Commission dismisses and terminates its administrative processing of this charge.

As the charge alleged a Title VII violation, this is notice that if the Charging Party wishes to pursue this matter further, (s)he may do so by filing a private action in Federal District Court against the Respondent(s) named above within 90 days of receipt of this Determination.

IF CHARGING PARTY DECIDES TO SUE, CHARGING PARTY MUST DO SO WITHIN 90 DAYS FROM

THE RECEIPT OF THIS DETERMINATION; OTHERWISE THE RIGHT TO SUE IS LOST.

On Behalf of the Commission:

/s/ L. Guarraia
Leonora L. Guarraia
Director
Determinations Review Program

Enclosure: Information Sheet on Filing
Suit in Federal District Court

cc: Johnny J. Butler
District Director
Philadelphia Dist. Office

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Washington, D.C. 20507

Charge No. 170-87-1770

Dr. Jay Bright
212 Hillcrest Avenue, Apt. B
Collingswood, NJ 08108

Charging Party

Rutgers University
Camden, NJ 08102
Respondent

Respondent

DETERMINATION ON REVIEW AND DISMISSAL
OF TITLE VII CHARGE

The Commission has reviewed the investigation of this charge of employment discrimination and all supplemental information furnished.

In his Request for Review, Charging Party alleges that the Commission inadequately investigated his allegations that the university administration and others blatantly involved themselves in a conspiracy to discredit his complaint of discrimination. This allegation has been made previously in other charges filed with the Commission. The Commission found no cause to believe that Charging Party's previous allegations were true. Nevertheless, this charge was fully investigated and our review did not disclose any evidence to support Charging Party's allegations. Charging Party's specific allegations of retaliation

were also found to be without merit. The evidence in the file is sufficient to reach this conclusion without the testimony of witnesses or further investigation.

Based upon this review, we agree with the determination issued by our field office and hereby issue a final determination that the evidence obtained during the investigation does not establish a violation of the statute. Therefore, the Commission dismisses and terminates its administrative processing of this charge.

As the charge alleged a Title VII violation, this is notice that if the Charging Party wishes to pursue this matter further, he may do so by filing a prvate action in Federal District Court against the Respondent named above within 90 days of receipt of this Determination. **IF CHARGING PARTY DECIDES TO SUE, CHARGING PARTY MUST DO SO WITHIN 90 DAYS FROM THE RECEIPT OF THIS DETERMINATION; OTHERWISE THE RIGHT TO SUE IS LOST.**

On Behalf of the Commission:

/s/ L. Guarraia
Leonora L. Guarraia
Director
Determinations Review Program

Enclosed: Information Sheet on Filing
Suit in Federal District Court

cc: Johnny J. Butler
District Director
Philadelphia District Office

Frank Finch, III
McDaniels, Dade Wheeler & Walwyn

1616 Walnut St., Suite 1910
Philadelphia, PA 19103

John B. Wolf, Esq.
Employment and Labor Counsel
Rutgers, State University
60 College Avenue
New Brunswick, NJ 08903

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Charge Number: 031860632

TO: Rutgers University
Camden NJ 08102

June 21, 1988

Jay Bright
Charging Party

Rutgers University
Respondent

DETERMINATION ON REVIEW AND DISMISSAL OF TITLE VII CHARGE

The Commission has reviewed the investigation of this charge of employment discrimination and all supplemental information furnished. Based upon this review, we agree with the determination issued by our field office and hereby issue a final determination that the evidence obtained during the investigation does not establish a violation of the statute. Therefore, the Commission dismisses and terminates its administrative processing of this charge.

As the charge alleged a Title VII violation, this is notice that if the Charging Party wishes to pursue this matter further, (s)he may do so by filing a private action in Federal District Court against the Respondent(s) named above within 90 days of receipt of this Determination.

IF CHARGING PARTY DECIDES TO SUE, CHARGING PARTY MUST DO SO WITHIN 90 DAYS FROM

THE RECEIPT OF THIS DETERMINATION; OTHERWISE THE RIGHT TO SUE IS LOST.

On Behalf of the Commission:

/s/ L. Guarraia
Director
Determinations Review Program

Enclosure: Information Sheet on Filing
Suit in Federal District Court

cc: Johnny J. Butler
District Director
Philadelphia Dist. Office

APPENDIX Z

STATUTORY PROVISIONS INVOLVED

42 U.S.C. § 1981. Equal rights under the law

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

42 U.S.C. § 1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. * * *

42 U.S.C. § 1985(3)

(3) Depriving persons of rights or privileges. If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Ter-

ritory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

42 U.S.C. § 1986.

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action, and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding five thousand

dollars damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

42 U.S.C. § 1988.

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this Title, and of Title "CIVIL RIGHTS," and of Title "CRIMES," for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty. * * *

42 U.S.C. § 2000e-2(a)

(a) Employer practices. It shall be an unlawful employment practice for an employer–

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such

individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

42 U.S.C. §2000e-3(a)

(a) **Discrimination for making charges, testifying, assisting, or participating in enforcement proceedings.** It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this title, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

42 U.S.C. §2000e-5(e)

(e) **Time for filing charges; time for service of notice of charge on respondent; filing of charge by Commission with State or local agency.** A charge under this section shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred and notice of the charge (including the date, place and circumstances of the alleged unlawful employment practice) shall be served upon the person against whom such charge is made within ten days thereafter, except that in

a case of an unlawful employment practice with respect to which the person aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by or on behalf of the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

N.J.S.A. 2A:14-2.

Every action at law for an injury to the person caused by the wrongful act, neglect or default of any person within this state shall be commenced within 2 years next after the cause of any such action shall have accrued.